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SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

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HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-FOURTH CONGRESS

SECOND SESSION

ON

SCOPE OF SOVIET ACTIVITY IN THE  
UNITED STATES

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MARCH 19, 21, 28, 1956

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## SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS

JAMES O. EASTLAND, Mississippi, *Chairman*

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# SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

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MONDAY, MARCH 19, 1956

UNITED STATES SENATE, SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS,  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D. C.*

The subcommittee met, pursuant to recess, at 3:30 p. m., in room 457, Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senator Eastland.

Also present: Robert Morris, chief counsel, and Benjamin Mandel, research director.

Chairman EASTLAND. Hold your hand up, please, sir.

Do you solemnly swear the testimony you are about to give to the Internal Security Subcommittee of the Committee on the Judiciary is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIVERIGHT. I do, sir.

## TESTIMONY OF HERMAN LIVERIGHT, NEW ORLEANS, LA.

Mr. MORRIS. Mr. Chairman, before commencing the interrogation of this particular witness this afternoon, I would like to restate again for the record the purpose of the particular series of hearings being held by the Internal Security Subcommittee. I read now from the opening statement of the chairman:

We shall try to determine to what extent Soviet power operates through the Communist Party here and to what extent other organizations have been devised to effectuate its purposes. We shall study the structural revisions that the Communists have made in their network in order to avoid detection, and endeavor to trace the movement of individual agents through these changing structures.

Under consideration during these hearings will be the activities of Soviet agents and agencies registered with the Department of Justice and such other agents or agencies not now registered whose activities may warrant legislative action.

We shall endeavor to determine to what extent this Soviet activity here is calculated to contribute to Soviet expansion abroad and to what extent it is working to undermine the structure and the composition of our own Government here, as the facts bearing on these issues are gathered in the public record of this subcommittee, which will enable it to make recommendations or determinations as to whether the Internal Security Act of 1950 and other existing law should be repealed, amended or revised, or new laws enacted.

This witness is being called here this afternoon, Senator, in the course of that particular set or series of hearings.

Will you give your full name and address to the reporter, Mr. Liveright?

Mr. LIVERIGHT. Yes. My name is Herman Liveright, and I reside at 2239 General Taylor Street, in New Orleans.

Chairman EASTLAND. You are represented by counsel?

Mr. LIVERIGHT. I am represented by counsel.

Chairman EASTLAND. Will counsel please identify himself for the record?

Mr. WITTENBERG. Philip Wittenberg, 70 West 40th Street, New York City.

Mr. MORRIS. Now, what is your present occupation, Mr. Liveright?

Mr. LIVERIGHT. I am television program director of WDSU television station in New Orleans.

Mr. MORRIS. And how long have you held that position?

Mr. LIVERIGHT. For approximately 3 years.

Mr. MORRIS. All right.

Now will you give us a short sketch of the assignment that you now have?

Mr. LIVERIGHT. Yes.

May I consult with counsel?

Mr. WITTENBERG. No. Go right ahead.

Mr. LIVERIGHT. Under the immediate supervision of the AM and TV program manager of the station, who in turn reports to the general manager and the president of the station, I am in charge of the production details for such live studio programs as are put on our program schedule. I—pardon me, gentlemen.

Mr. WITTENBERG. Go right ahead.

Mr. LIVERIGHT. I also on occasion sit in on meetings with, for the want of technical language, may I say, my peers and superiors at the station, to discuss various programing problems that may come up from time to time.

Mr. MORRIS. All right.

Now, what position did you hold, or what job did you hold before your present employment, sir?

Mr. LIVERIGHT. Before I held this job, I was a television director.

Mr. MORRIS. Where?

Mr. LIVERIGHT. At WDSU-TV.

Mr. MORRIS. That is the same position?

Mr. LIVERIGHT. That is the same position.

Mr. MORRIS. And what employment did you have before that?

Mr. LIVERIGHT. Sir, may I ask my counsel something about correcting a very technical and small detail?

Mr. MORRIS. You may at any time consult your counsel.

(The witness consults with his attorney.)

Mr. LIVERIGHT. May I make a correction, please, just so that technical facts are correct? The job I have just described a moment ago I have followed for, I should say, a year and a half, and I am frankly not positive of the exact duration. Before that, I held the job which I just defined for you, that of television director at the same station.

Mr. MORRIS. All right.

Now, the other question I asked was, what job did you have before the second job?

Mr. LIVERIGHT. Before that, I was a television director in New York City with the American Broadcasting Co.

Mr. MORRIS. What was the nature of that assignment?

Mr. LIVERIGHT. The nature of that assignment was that of a television director who supervised the production details of certain programs which were put on the air.

Mr. MORRIS. When did you have that particular assignment?

Mr. LIVERIGHT. Sir, may I ask if it makes any difference if I am just a little bit inaccurate in remembering?

Mr. MORRIS. No. Approximately when did you have that assignment?

Mr. LIVERIGHT. I believe I was a television director. I believe the time of duration of that job was from about 19—sometime in 1950 to approximately the end of 1952.

Mr. MORRIS. All right.

Now, what job did you have before that?

Mr. LIVERIGHT. Before that I was what is called in the television industry an associate director at the same station.

Mr. MORRIS. What station was that?

Mr. LIVERIGHT. Well, it was the American Broadcasting Co. in New York, and the local station at that time was WJZ-TV, which subsequently became WABC-TV.

Mr. MORRIS. All right. What job did you have before that job?

Mr. LIVERIGHT. Before the associate director's job?

Mr. MORRIS. Yes.

Mr. LIVERIGHT. I believe that for a very short period when I first came to the American Broadcasting Co., I was given a period of orientation when I was what was called the program assistant.

Mr. MORRIS. When was that?

Mr. LIVERIGHT. That would have been—I have to be deliberate here, because I don't remember the dates.

Mr. MORRIS. That is all right, sir. Take your time.

Mr. LIVERIGHT. I believe that was—the job I have just referred to was—some time in 1948, up and to the time I became director; in other words, between the period I am now referring to, I was for a short time a program assistant, or viewed as such, and then I presently became an associate director.

Mr. MORRIS. And what did you do prior to 1948, or immediately prior?

Mr. LIVERIGHT. Immediately prior to 19—I won't say prior to 1948, if you don't mind, sir, because I don't know precisely—

Mr. MORRIS. Approximately, yes.

Mr. LIVERIGHT. May I consult counsel for just a minute?

Mr. MORRIS. By all means.

(The witness consults with his attorney.)

Mr. LIVERIGHT. Immediately prior to that—and frankly, sir, I may be putting in facts which are not pertinent to your—but I am trying to get everything—I was unemployed for a very brief period, and prior to this unemployed period of maybe a few weeks at the most, I was employed as—I was employed by Joseph Gaer Associates, a publishing firm in New York.

Mr. MORRIS. I see. Had you known Joseph Gaer for a long time?

Mr. LIVERIGHT. Before I was employed by him?

Mr. MORRIS. Yes.

Mr. LIVERIGHT. May I conjecture, sir?

Mr. MORRIS. You may.

Mr. LIVERIGHT. I don't think I had ever met him before the discussions leading to my employment. I won't say the first day I got there. But I cannot be positive of that. It is conceivable, since he was in the publishing business and I knew a number of people in it——

Mr. MORRIS. What were the circumstances leading up to your employment by Joseph Gaer?

Mr. LIVERIGHT. May I consult, sir?

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, will you repeat your question, please?

Mr. MORRIS. I think the reporter can read it.

(Question read.)

Mr. LIVERIGHT. The circumstances leading up to my employment were a brief period of unemployment, during which I was looking for a job.

Mr. MORRIS. And how did you get the job?

Mr. LIVERIGHT. To the best of my remembrance, sir—and may I interject here that, in this brief period, I visited a number of people and firms in the search of the type of employment I felt I could do, including, may I add, a number of publishing firms, because that is pertinent to this—I approached him, asked him for a job.

Mr. MORRIS. You had no preliminary introduction to him?

Mr. LIVERIGHT. Pardon me?

Mr. MORRIS. Did you have any preliminary introduction to Mr. Gaer?

Mr. LIVERIGHT. I am not sure, sir. It is beyond my recollection. But my honest remembrance is, no. Someone may have said, "Why don't you go to see Joe Gaer," who was so-and-so.

Mr. MORRIS. There were no prearrangements made?

Mr. LIVERIGHT. None that I can remember; no.

May I ask counsel one question which may be pertinent here? I don't want to put it on if it isn't.

(The witness consults with his attorney.)

Mr. LIVERIGHT. One reason I felt somewhat justified in approaching Mr. Gaer was that, years previously to this episode in my life, Mr. Gaer's partner, at the time I visited Mr. Gaer, was one of two brothers named Boni, and I will confess rather abjectly the reason I asked counsel whether I should say this or not is that for some strange reason at this moment, stupid as it may sound, I don't remember whether it was Charles or Albert Boni, which on the record makes me look rather foolish, but I don't for this moment remember. One of the Boni brothers was at that time the partner of Mr. Gaer when I approached him.

Almost immediately after I was employed by Mr. Gaer, the Mr. Boni who was then working with him departed from the firm, and I don't think I saw him more than once or twice. But the fact I am leading up to, for what it is worth, if anything, is that at least two and a half decades before the episode which I am discussing now, one of these two Boni brothers was a partner of my father, who was in the publishing business, and this was not the determining feature in my approaching Mr. Gaer, but certainly I thought maybe it would help.

Mr. MORRIS. All right.

Where did you work before then?

Mr. LIVERIGHT. Before that—pardon me a minute. May I consult counsel?



Mr. MORRIS. Yes.

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, this was a political job, and therefore I would respectfully like to enter my objection to this question.

Mr. MORRIS. What is your objection to the question?

Mr. LIVERIGHT. It is my objection as presented to the chairman of the committee in executive session.

Chairman EASTLAND. State your objection for the record.

Mr. WITTENBERG. Sir, may we furnish a copy to the reporter so that he may follow it?

Chairman EASTLAND. Yes.

Mr. LIVERIGHT. May I have your leave to read this, sir?

Chairman EASTLAND. I will permit you to file it. Now, state your objection in answer to the question.

(The document referred to appears as appendix I at p. 510.)

Mr. LIVERIGHT. I, Herman Liveright—

Chairman EASTLAND. Just state your objection.

Mr. LIVERIGHT. The reason I am hesitating, sir, is that I am trying to think of a way of condensing this, to get the pith of the objection.

I respectfully object to the power and jurisdiction of this subcommittee to inquire into my political beliefs, into any other personal and private affairs, and into my associational activities.

I am a private citizen engaged in work in the field of communication.

The grounds of my objection are as follows:

Any investigation into my political beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this subcommittee. I rely not upon my own opinion but upon statements contained in the opinions of the Supreme Court of the United States.

Among others, in United States against Rumely, 345 United States—

Chairman EASTLAND. That has all been put in the record. I am just asking you to state the specific objection. Counsel understands that, when I permitted him to put that in the record.

Mr. LIVERIGHT. I see.

May I consult counsel, sir?

Chairman EASTLAND. Yes, you may.

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, with your respectful—I mean, may I respectfully ask for permission to say this in prelude to attempting to answer your question, Senator, that—

Chairman EASTLAND. I have not asked you a question.

Mr. LIVERIGHT. No. I beg your pardon, sir. You have directed me to—

Mr. MORRIS. Senator Eastland simply asked you to state your objection.

Mr. LIVERIGHT. To state my objection; is that right?

Mr. MORRIS. It seems to me he has stated it. Has he not, counsel?

Mr. WITTENBERG. He has in the form—

Mr. MORRIS. Mr. Liveright, I thought your assignment prior to that time was with the White Plains Reporter-Dispatch. Was that so?

Mr. LIVERIGHT. May I—

(The witness consults with his attorney.)

Mr. WITTENBERG. Will you put that in the form of a question?

Mr. MORRIS. I will put it that way.

Wasn't your employment prior to your last employment that you testified about, your employment with the White Plains Reporter-Dispatch?

Mr. LIVERIGHT. No, sir, it was not; no, sir.

Mr. MORRIS. This other objection that you have raised was in connection with an intervening job?

Mr. WITTENBERG. You are making an assumption, sir. I am sorry. He has answered that he was not employed, and now you are making the assumption that he was employed but that there was an intervening job.

Mr. MORRIS. If there was no intervening job, he can say that.

Mr. WITTENBERG. He has said that he was not employed by that paper.

Mr. MORRIS. All right. Let me get back, then.

Prior to that, you were employed by Paramount Pictures; is that right? Was that your employment prior to the White Plains Reporter-Dispatch?

Mr. LIVERIGHT. I am sorry to have to interrupt so much and ask counsel.

(The witness consults with his attorney.)

Mr. WITTENBERG. He was never employed by the White Plains paper. That is what he is trying to say to you.

Mr. MORRIS. I am sorry. Go ahead.

Were you ever employed by the White Plains paper?

Mr. LIVERIGHT. No, sir; I was not.

Mr. MORRIS. Did you ever work for them in any capacity?

Mr. LIVERIGHT. May I answer this question in my own words, sir?

Mr. MORRIS. I do not like to prolong this, Mr. Liveright. But the committee has been informed that you worked with the White Plains Reporter-Dispatch from April 18, 1948. Now—

Mr. LIVERIGHT. No, sir, may I state categorically that I did not?

Mr. MORRIS. I see.

Did you have any assignment with that paper?

Mr. LIVERIGHT. No, no assignment with that paper.

Mr. MORRIS. All right.

Prior to that, you worked for Paramount Pictures?

Mr. LIVERIGHT. May I consult?

(The witness consults with his attorney.)

Mr. LIVERIGHT. Yes, that is correct.

Mr. MORRIS. How long did you work for Paramount Pictures?

Mr. LIVERIGHT. Again with the reservation that I may be considerably off now, because it is a long span of years, I should say 11 or 12 years.

Mr. MORRIS. That is roughly from 1934 to 1944?

Mr. LIVERIGHT. No, no, sir. Frankly, I am a little lost on dates now, too, but I think we are in a period of about 1940—working back from about 1947, are we not?

Mr. MORRIS. That is right, 1947.

Mr. LIVERIGHT. So I guess it would be about—and I want to make it clear that I am not—

Mr. MORRIS. It is just an approximation.

Mr. LIVERIGHT. Yes. I should say about 11 years from 1936 or 1937.

Mr. MORRIS. All right.

What did you do before 1936?

Mr. LIVERIGHT. I did a number of odd things, including—I should say the main job I had prior to this period that you are mentioning was that of casting director for the Columbia Opera Company at a salary of \$10 a week.

Mr. MORRIS. Where were you born, Mr. Liveright?

Mr. LIVERIGHT. In New York City.

Mr. MORRIS. In what year?

Mr. LIVERIGHT. 1912, January 11th.

Mr. MORRIS. Do you have a college degree?

Mr. LIVERIGHT. No, I do not.

Mr. MORRIS. What is the—

Mr. LIVERIGHT. I would like to also make, if I may, a technical amendment to that answer, please.

Mr. MORRIS. Please do.

Mr. LIVERIGHT. I attended, I believe, in 1929, 1930, and 1931—my dates may be wrong, sir—the Experimental College of the University of Wisconsin, which at that time was a 2-year course, and I obtained, not a degree for a 2-year course, but a diploma saying that I had satisfactorily completed that.

Mr. MORRIS. And your first employment after you left Wisconsin was what?

Mr. LIVERIGHT. I was not, except for summers, when I may have had odd jobs, when I did have odd jobs—and I don't know how relevant this is, sir—I had no steady job for a period of another, well, at least a couple of years.

May I consult counsel, please?

(The witness consults with his attorney.)

Mr. LIVERIGHT. I can fill in this brief gap if it is of any value, sir.

Mr. MORRIS. Do you think it is necessary at this time, Senator?

Chairman EASTLAND. No.

Mr. MORRIS. Mr. Chairman, this committee has been informed that Mr. Liveright and his wife were active in the Communist Party of New York City, and that at the time and date they moved to the South, they were formally asked by their Communist Party superiors to keep away from formal associations with the Communist Party at that time in their activities.

Chairman EASTLAND. That was in New Orleans?

Mr. MORRIS. In New Orleans.

The purpose of subpoenaing this witness and asking him the following questions is to determine to what extent Mr. Liveright's activities have been carried out in New Orleans in the framework of the Communist Party and to what extent they have been carried out in some other framework.

The first question I will ask you, Mr. Liveright, is, Are you now a Communist?

Mr. LIVERIGHT. Sir, may I stand on the objection that I have already submitted, on the grounds that, as it states in the objection, this is an inquiry into my political beliefs?

Chairman EASTLAND. Now, you do not object on the grounds of the fifth amendment that your testimony may tend to incriminate you?

Mr. LIVERIGHT. No, sir; I do not.

Chairman EASTLAND. You do not.

I order and direct you, sir, to answer the question. It is a question that is pertinent to this inquiry.

Mr. LIVERIGHT. Sir, I must still stand on the objection as submitted.

Chairman EASTLAND. Very well, Mr. Liveright.

Mr. MORRIS. Go ahead, Senator.

Chairman EASTLAND. Have you ever been a member of the Communist Party?

Mr. LIVERIGHT. I must object on the aforementioned grounds, sir.

Chairman EASTLAND. I order and direct you, Mr. Liveright, to answer the question.

Mr. LIVERIGHT. I am sorry, sir. I must stand on the objection as submitted.

Chairman EASTLAND. The question, Mr. Liveright, is very pertinent. We are attempting to see what amendments are needed to the Internal Security Act. In addition, and as a part of that, we are tracing the activities of the Communist Party in this United States.

Our information is, sir, that you were sent South and placed there with your wife on a mission for the Communist Party, and were told by your superiors not to become involved with a Communist cell that was a professional group in the city of New Orleans, but the word was used by your superiors to stay clean.

Now, is that true? Were you sent on a mission for the Communist Party into the South?

Mr. LIVERIGHT. Sir, may I consult counsel on this?

Chairman EASTLAND. Yes, sir.

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, I would like to stand on the objection that I have already submitted, but add, if I may, sir, that the information which you have, the purport of the information which you have asked me about, is completely erroneous.

Chairman EASTLAND. Now, explain what you mean.

Mr. LIVERIGHT. May I consult, please?

(The witness consults with his attorney.)

Mr. LIVERIGHT. I will have to stand on the objection as stated, sir.

Chairman EASTLAND. Now, you have not based that on the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. I order and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir, but I will still have to stand on my objection.

Chairman EASTLAND. You refuse to state whether you were sent into the South on a secret mission by the leaders of the Communist Party in New York?

Mr. LIVERIGHT. I will stand on my objection, sir, as stated, but repeat what I have said before, that—

Chairman EASTLAND. Yes. Now, did you ever—

Mr. LIVERIGHT (continuing). That this does not conform with the facts in any way.

Chairman EASTLAND. Well, if it does not conform with the facts, why don't you come out and state what the facts are, sir?

Mr. LIVERIGHT. Sir, because I think my answer to the question which you have just asked me, sir—and I say this very respectfully—is stated in this very objection.

Chairman EASTLAND. Yes.

Now, have you affiliated with a Communist cell in the city of New Orleans, composed of professional people?

Mr. LIVERIGHT. Sir, I still have to stand on this objection.

Chairman EASTLAND. You decline to answer the question?

Mr. LIVERIGHT. On the basis of the aforementioned objection; yes, sir.

Chairman EASTLAND. I order and direct you to answer the question, sir.

Mr. LIVERIGHT. I must stand on the objection as submitted.

Chairman EASTLAND. Did you ever live at 333 Ware Street, New Orleans?

Mr. LIVERIGHT. May I consult counsel, please?

(The witness consults with his attorney.)

Mr. LIVERIGHT. Yes, I did, sir.

Chairman EASTLAND. You did live there?

Mr. LIVERIGHT. Yes, sir.

Chairman EASTLAND. Now, were there Communist meetings in your home at 333 Ware Street, in New Orleans?

Mr. LIVERIGHT. May I consult counsel, please?

Chairman EASTLAND. Yes.

(The witness consults with his attorney.)

Mr. LIVERIGHT. I will have to stand on the objections as read, Your Honor.

Chairman EASTLAND. I order and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir. I will have to stand on the objections.

Chairman EASTLAND. And it does not include the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. Mr. Liveright—your first name is Herman; is that right?

Mr. LIVERIGHT. Yes, sir.

Chairman EASTLAND. State whether or not you were at one time membership director of the Thomson-Hill branch of the Communist Party.

Mr. LIVERIGHT. I will have to stand on the objection as submitted, sir, in not answering that question.

Chairman EASTLAND. And you do not stand on the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. You raise no objection on that ground?

Mr. LIVERIGHT. I stand on this objection as submitted, sir.

Chairman EASTLAND. Answer my question. You raise no objection on the grounds of the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. I order and direct you to answer the question.

Mr. LIVERIGHT. I must still stand on the basis of the objection as I have submitted it, sir.

Chairman EASTLAND. Mr. Liveright, the Communist movement, with which we have information that you are affiliated, sir, is a conspiracy against your country. It is a conspiracy which seeks to

overthrow your country. We have information, sir, and we desire to know how this conspiracy is financed, that you have given money to the Communist Party on various occasions. State whether that is true or untrue.

Mr. LIVERIGHT. Sir, I must decline to answer that on the same grounds.

Chairman EASTLAND. Not on the grounds of the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. Mr. Liveright, I order and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir, that I can't, but I must stand on this objection.

Chairman EASTLAND. It seems that if you had not participated in this conspiracy and if you had not helped finance it, that you would be very glad to answer that question. Mr. Liveright.

Mr. LIVERIGHT. Again may I say this, sir? And this again I may not state in very technical language, but I say very respectfully, my rejoinder to this statement you have addressed to me, I think, is contained pretty much in the objection that I have submitted.

Chairman EASTLAND. You have the opportunity now to help your country by just frankly answering the questions and telling us the truth, to enable us to——

Mr. LIVERIGHT. May I consult——

Chairman EASTLAND. Wait just a minute.

Mr. LIVERIGHT. Pardon me. I beg your pardon, sir.

Chairman EASTLAND (continuing). To enable us to draft legislation to protect the welfare and the safety of our country. And it appears that you would be most anxious, Mr. Liveright, to do that. Most Americans would.

Now, I will ask you this question. In 1952, did you and your wife rent a post-office box in White Plains, N. Y.?

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, your injunction to me to consider the welfare of the country, I certainly accept as a potent and meaningful statement to me. I do not feel, and I say this most respectfully, that answering questions which probe my personal life as being of any help to society or my country or anybody else, and I say that with——

Chairman EASTLAND. The technical reason is that you do not want to give facts that would enable a properly constituted branch of the Government to take steps to protect the Government.

Mr. LIVERIGHT. Sir, I respectfully disagree with that. I mean, I cannot in good conscience——

Chairman EASTLAND. Now, will you decline to answer the question that you, Mr. and Mrs. Herman Liveright, attempted to rent a post-office box in White Plains, N. Y., in 1952? What is your answer, sir?

Mr. LIVERIGHT. Sir, I would like to merely repeat what I have just said, that I must stand on the substance of this objection and the statement I just made, in not answering it.

Chairman EASTLAND. Now, you do not refuse to answer that question on the grounds of the fifth amendment, that your testimony might tend to incriminate you?

Mr. LIVERIGHT. Oh, no, sir.

Chairman EASTLAND. I order and direct you to answer the question.

Mr. LIVERIGHT. I still must stand——

Chairman EASTLAND. I want to explain that if you do not answer these questions, I am going to request that you be cited for contempt of the United States Senate.

Mr. LIVERIGHT. Well, sir, may I say that only the deepest search of my conscience in trying to determine a position on these questions would make me say to you, as I have said in answer to many of these questions, that I stand on the objection.

Chairman EASTLAND. Now, did you attempt to rent a post office box in White Plains, N. Y., under the name of the Westchester County Committee for Ethel and Julius Rosenberg?

(The witness consults with his attorney.)

Mr. LIVERIGHT. I stand on the same objection, sir, on the objection that I have previously submitted.

Chairman EASTLAND. That is the objection in your written—the written objection that your attorney prepared as filed with the committee?

Mr. LIVERIGHT. Yes, sir.

Chairman EASTLAND. I order and direct you to answer the question.

Mr. LIVERIGHT. Sorry, sir, but I will have to stand on the objection.

Chairman EASTLAND. And you do not object to answering on the grounds that your testimony might tend to incriminate you?

Mr. LIVERIGHT. May I—

(The witness consults with his attorney.)

Mr. LIVERIGHT. I do not, sir.

May I consult counsel?

(The witness consults with his attorney.)

Mr. LIVERIGHT. I wanted to add something to my objection, sir, but my counsel finds it irrelevant.

Chairman EASTLAND. Now, I ask you this question. How many children have you, Mr. Liveright?

Mr. LIVERIGHT. I have two children, sir.

Chairman EASTLAND. What are their ages?

Mr. LIVERIGHT. I am sorry. I didn't hear you.

Chairman EASTLAND. What are their ages?

Mr. LIVERIGHT. Thirteen and eleven.

Chairman EASTLAND. Thirteen and eleven?

Mr. LIVERIGHT. Yes, sir.

Chairman EASTLAND. Now, is it not a fact that you sent those children away from home, from your home, in order to have a meeting in your home of a Communist cell, and you did not want your children to see the people in the city of New Orleans who belonged to this cell?

(The witness consults with his attorney.)

Mr. LIVERIGHT. Sir, I stand on the objection as previously submitted.

Chairman EASTLAND. That is not on the fifth amendment?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. I order, instruct, and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir, but I will have to stand on the objection as submitted.

Chairman EASTLAND. When did you join the Communist Party, Mr. Liveright?

Mr. LIVERIGHT. Pardon me, sir?

Chairman EASTLAND. When did you join the Communist Party?

(The witness consults with his attorney.)

Mr. LIVERIGHT. I refuse to answer this question on the basis of my objection and on the basis that it assumes a truth.

Chairman EASTLAND. I order and instruct and direct you to answer the question, sir.

Mr. LIVERIGHT. I refuse to answer on the basis of my objection, sir.

Chairman EASTLAND. Now, did word come to you from the Communist leadership in New York after you affiliated, to stay clean in New Orleans?

Mr. LIVERIGHT. I object to that question on the same grounds, sir.

Chairman EASTLAND. What is the objection?

Mr. LIVERIGHT. I have to stand on the objection, sir, in not answering that question.

Chairman EASTLAND. What objection, Mr. Liveright? The objection that is in the written memorandum?

Mr. LIVERIGHT. Yes, sir.

Chairman EASTLAND. Not the fifth amendment, now?

Mr. LIVERIGHT. No, sir.

Chairman EASTLAND. I order and instruct and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir, but I will have to stand on this written submitted objection.

Chairman EASTLAND. Mr. Liveright, is your wife a member of the Communist Party?

Mr. LIVERIGHT. Sir, I object to that question on the basis of the submitted objection. I cannot answer that question.

Chairman EASTLAND. I order and instruct and direct you to answer the question.

Mr. LIVERIGHT. I am sorry, sir, but I will have to stand on that objection.

(The witness consults with his attorney.)

Chairman EASTLAND. Is there anything else?

Mr. MORRIS. Not of this witness, Senator.

Chairman EASTLAND. That will be all.

Mr. LIVERIGHT. Thank you, sir.

Chairman EASTLAND. Mr. Wittenberg, in the event that we may have to have Mr. Liveright testify again, may we do so by calling you instead of subpoenaing him?

Mr. WITTENBERG. Yes, if you will give me enough time and remember that he is down in New Orleans.

Mr. MORRIS. Oh, we understand that. You will supply him rather than have us subpoena him again?

Mr. WITTENBERG. Oh, surely.

Mr. MORRIS. Mr. Chairman, there is another thing that I would like to put in the record today—and that is because it bears on the present hearing that we have—and that is an editorial that appeared in the Daily Worker of March 13, 1956, by Alan Max, entitled, "U. S. Marxists and Soviet Self-Criticism."

Mr. Chairman, it bears on the hearings that we have here because it may possibly portend a variation or a change in the Communist Party line that has directed the activities of many of the people who have appeared before this committee in this series of hearings. May it go into the record?



Chairman EASTLAND. So ordered.

(The article referred to was marked "Exhibit No. 181" and is as follows:)

# EXHIBIT No. 181

## U. S. MARXISTS AND SOVIET SELF-CRITICISM

By Alan Max

(From Daily Worker, New York, Tuesday, March 13, 1956)

I find absorbing some dispatches in the New York Times which tell how calmly the average Soviet citizen is taking criticism of the past 20 years and of shortcomings in the leadership of Stalin.

The people of the Soviet Union seem to take these developments much more calmly than do many American Marxists, including myself. (Any Marxist who says he has not been jolted is either not being honest with himself, in my opinion, or minimizes the extent of the developments now in progress in the Soviet Union.)

The people of the Soviet Union are calm for several reasons, at least so it seems to me. In the first place, the process of criticism and examination has been going on in their daily lives over the past 3 years. In the second place they experienced at firsthand the shortcomings and mistakes of the past 20 years of which American Marxists either were ignorant or which we glossed over. Finally, the Soviet people have also experienced the tremendous progress—admitted even in capitalist circles—of the past 3 years and which accompanied the process of self-examination.

Many things bother a person like myself: where were the present leaders during the period when they say that collective leadership was lacking?—what about their own mistakes in that period of capitalist encirclement?—are they giving proper weight to the achievements of Stalin? etc. For the answers to such questions one must either speculate or await further developments.

But we American Marxists also need to give thought to our own role in accepting many things about the Soviet Union which Marxists in the Soviet Union are now criticizing. After all, whatever positions American Marxists took they took of their own free will. Nobody told them to do so any more than anyone elsewhere determines their position on any question.

I do not pretend that I have given this matter sufficient thought or, for that matter, that any one individual could come up with all the answers by himself.

Some things do appear obvious to me, however. When we Marxists were defending certain aspects of life in the Soviet Union which, to our embarrassment, the Soviet Union now says were wrong, we did it in a certain situation. This was in an atmosphere of rabid Soviet baiting which extended without interruption—except for the Second World War—over the past 38 years. This Soviet baiting was based on the most vicious type of falsification, slanders and, on many occasions, actual forgeries. It was designed to alibi military intervention by our and other governments in the first country of socialism in the 1920's. It was aimed at excusing the rise of Hitler the regime of Mussolini, and the insurrection of Franco. It was used as a convenient tool with which it tried to beat down the labor and progressive and New Deal movements in our own country. Since the war, this Soviet baiting has been used as an excuse for the cold war, for a war program and for participation in military adventures like the Korean war.

In this situation, American Marxists courageously and almost singlehandedly fought against the cold-war propaganda which was endangering our country. Neither prison, nor deportations or other forms of persecution could stop a principled position of which American Marxists can always be proud.

But at the same time, we went overboard in defending things like the idea of Stalin as infallible, in opposing any suggestion that civil liberties were not being fully respected in the Soviet Union, in discouraging serious discussion and criticism of Soviet movies, books, etc. As a matter of fact, while the defense of the Soviet policy as a policy of peace was proper and necessary for the welfare of the American people, going overboard on these other matters was wrong and, hence, self-defeating. It made it unnecessarily more difficult to win the ear of our fellow Americans on the more basic questions. It made it easier for the reactionaries to persecute and isolate us.

All this—or much of it—could have been avoided, it seems to me, if we Marxists had stood more firmly on our own feet on these matters, as we have on the funda-

mentals of a Marxist program for America upon which the Communist Party has always developed its own answers and outlook.

I should add that non-Marxists as well as Marxists have a responsibility here too. The sooner all of us unite to end the cold war the sooner will freedom be restored here in our own country, the easier it will be for the Soviet Union to get rid of all excesses, the easier it will be for Marxists here to take a more fully objective view of developments in all countries of socialism.

What I am writing here are my own first reactions to one side of the proceedings at the 20th Party Congress. What do our readers think about the matter? We could all profit from hearing from you.]

Mr. MORRIS. That is all.

Chairman EASTLAND. We will recess.

(Whereupon, at 4:15 p. m., the subcommittee recessed.)

## APPENDIX I

### STATEMENT BY HERMAN LIVERIGHT

1. I, Herman Liveright, having been subpoenaed before the Internal Security Subcommittee of the Committee on the Judiciary, by subpoena dated the 13th day of March 1956, returnable on the 19th day of March 1956 hereby respectfully object to the power and jurisdiction of this subcommittee to inquire into:

- (a) My political beliefs.
- (b) Any other personal and private affairs.
- (c) My associational activities.

2. I am a private citizen engaged in work in the field of communication.

3. The grounds of my objection are as follows:

A. Any investigation into my political beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this subcommittee. I rely not upon my own opinion but upon statements contained in the opinions of the Supreme Court of the United States. Among others, in *United States v. Rumely* (345 U. S. 41, 58), the Supreme Court of the United States said in a concurring opinion by Mr. Justice Douglas:

"The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

In *McGrain v. Daugherty* (273 U. S. 135), the Court said: "Neither house is invested with 'general' power to inquire into private affairs and to compel disclosures."

And in *Kilbourn v. Thompson* (103 U. S. 168), the Court said:

"Neither the Senate nor the House of Representatives 'possesses the general power of making inquiry into the private affairs of the citizens'."

In *West Virginia State Board of Education v. Barnette* (319 U. S. 624), the Court, in an opinion by Mr. Justice Jackson said:

"If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

It follows therefore that this subcommittee is without power to examine into my political, associational, and private affairs.

B. The right to refuse to answer to any official, or indeed to anyone, with regard to one's personal affairs is a valuable right in a democracy which ought not lightly be ceded, or indeed ought ever be impinged upon by any public official. The Congress of the United States is composed of elected officials who have no power to intrude into the private affairs of American citizens. They cannot by resolution increase their constitutional authority. As was said by the Supreme Court of the United States in *Jones v. Securities and Exchange Commission* (298 U. S. 1):

"The citizen when interrogated about his private affairs has a right before answering to know why the inquiry is made; and if the purpose disclosed is not a legitimate one, he may not be compelled to answer."

And again in *McGrain v. Daugherty* (273 U. S. 135):

"That a witness rightfully may refuse to answer where the bounds of the power are exceeded."

It was said by Mr. Justice Frankfurter in *United States v. United Mine Workers of America* (330 U. S. 258, 307):

"The historic phrase 'government of laws and not of men' epitomizes the distinguishing character of our political society." \* \* \*

" 'A government of laws and not of men' was the rejection in positive terms of rule by fiat, whether by the fiat of governmental or private power. Every act of government may be challenged by an appeal to law, as finally pronounced by this Court."

And again in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertions of authority."

Within the meaning of these decisions I regard it as one of the duties of a citizen of the United States to be vigilant against the accretion of dangerous power. I call to the attention of this subcommittee the opinion of Mr. Justice Douglas in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579), that even the cold war and the emergencies said to have been created thereby "did not create power."

C. Under the first amendment to the Constitution the power of investigation by Congress in matters involving freedom of speech and freedom of the press is limited. There can be no investigation except for the purpose of legislation. As was said by Mr. Justice Van Devanter in *McGrain v. Daugherty* (273 U. S. 135, 178):

"The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating."

The Congress of the United States has no constitutional right to legislate with regard to prior restraint on utterance; no *ex post facto* law can be passed determining innocence or criminality, and therefore any investigations into my speech or communications is beyond the power of this committee. As was said by Mr. Justice Douglas in *United States v. Rumeley* (345 U. S. 41, 58):

"Through the harassment of hearings, investigations, reports, and subpoenas, Government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

D. Under our Constitution our Government is a Government of limited powers, tripartite in form, consisting in the legislative, the judicial, and the executive. This separation is fundamental to the preservation of the rights of the people in order that no one department may, through its power, rise to become a despotic arbiter. This subcommittee through this investigation into my political, associational, and private affairs trespassed upon the judicial department and has caused a lack of balance of power which constitutes a threat to my liberty as an American citizen and is an unconstitutional usurpation. This usurpation has reached the point where the Supreme Court of the United States in *United States v. Rumeley*, (345 U. S. 41, 44), said:

"And so, we would have to be that 'blind' court, against which Mr. Chief Justice Taft admonished in a famous passage, that does not see what all others can see and understand' not to know that there is wide concern, both in and out of Congress, over some aspects of the exercise of the congressional power of investigation."

No place is that usurpation better seen than in the trespassing by the legislature upon the judiciary. As was said in *Lichter v. United States* (334 U. S. 742, 779):

"In peace or in war it is essential that the Constitution be scrupulously obeyed, and particularly that the respective branches of the Government keep within the powers assigned to each by the Constitution."

And again, in *Myers v. United States* (272 U. S. 52, 116), by Mr. Justice Taft:

"If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive, and judicial powers."

In *Quinn v. United States* (349 U. S. 155-161), the Supreme Court by Mr. Chief Justice Warren said: "But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the executive and the judiciary."

And again by Mr. Justice Brandeis in *Myers v. United States* (272 U. S. 52, 293, 71 L. Ed. 160):

"The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to fight friction but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

And again in *Kilbourn v. Thompson* (103 U. S. 168):

"It is believed to be one of the chief merits of the American system of written constitutional law that all the powers entrusted to governments, whether State or national, are divided into the three grand departments; the executive, the legislative, and the judicial. \* \* \* It is also essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others but that each shall by the law of its creation be limited to the exercise of the power appropriate to its own department and no other."

Not only did the founders of our Republic separate the departments of government, but they also limited the powers of each of those departments. It is a simple statement known to every American schoolchild that our Government consists of separate departments, that the powers of each of those departments is limited, and that all rights not granted to the Government are reserved to the people.

To be specific, Congress has the specific power to legislate granted to it by the Constitution. It has an implied power to investigate which, however, can be no broader than the power the legislature. In the absence of proposed legislation there can be no investigation for all powers not expressly granted or necessarily implied are reserved to the people. Neither of the tripartite departments of our Government can claim any residual power as a basis for acting. In order that there might be no doubt about the limitations of power and the wish not to grant residual power, the citizens of the several States insisted on the insertion in the Bill of Rights of amendment 9:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

They reinforced amendment 9 by amendment 10:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This Congress and the committees appointed by it can enjoy only the powers expressly granted in the Constitution or necessarily implied therefrom. Senators or committeemen thereof as officials of the Government do not have, and cannot arrogate to themselves, a power to intrude into the private affairs of the people of the United States, a power which the people reserve to themselves. The arrogation of power may be curtailed either by an appeal to the courts, or what is to be more hoped for, by the self-discipline of those entrusted with authority. The possibility of petty tyranny is ever present in a democracy unless the body of officialdom is wise and knows that self-limitation is essential to the success of our scheme of government. As Mr. Justice Frankfurter said in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"A constitutional democracy like ours is perhaps the most difficult of man's social arrangements to manage successfully. Our scheme of society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims."

But when such self-discipline is not apparent in the actions of any governing body, then it becomes the duty of the citizen to challenge that act by an appeal to law. It is that duty which I here feel obliged to maintain. See *United States v. United Mine Workers of America*, (330 U. S. 258).

This subcommittee by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in bills of attainder being prohibited by our Constitution, article I, section 10.

The present practices of this committee fall within the condemnation and prohibition of that section.

The Supreme Court said in *United States v. Lovett* (328 U. S. 303, 317):

"Those who wrote our Constitution well knew the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons, because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts. \* \* \*

"And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury, has a right to be represented by counsel, he must be clearly informed of the charge against him; the law which he is charged with violating must have been passed before he

committed the act charged, he must be confronted by the witnesses against him, he must not be compelled to incriminate himself. \* \* \*

"Our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the nation of freemen they envisioned. And so they proscribed bills of attainder."

But a bill of attainder need not be the specific bill of attainder referred to in the Constitution. It may be any legislative act taken in connection with known punishments which together constitute a deprivation of civil rights. So to ask me whether I am or have been a member of the Communist Party may have dire consequences. I might wish to defend myself by taking recourse to the protection of the provisions contained in the Bill of Rights or challenge the pertinency of the question to the investigation. Should I invoke the protection of the Bill of Rights and the Constitution I thereby place my livelihood and my position in society in a position of jeopardy. Many of our States, municipalities, educational institutions, the Federal Government itself, and even private employers, have adopted rules of exclusion from employment for persons taking recourse in the Bill of Rights or the Constitution.

The Supreme Court of the United States took cognizance of this condition in 1950, a time when it had not yet reached the full flavor of today. For in 1950, Mr. Justice Black concurring in, *Joint Anti-Fascist Refugee Com. v. McGrath* (341 U. S. 123, 144, 145), said:

"In this day when prejudice, hate, and fear are constantly invoked to justify irresponsible smears and persecution of persons even faintly suspected of entertaining unpopular views, it may be futile to suggest that the cause of internal security would be fostered, not hurt, by faithful adherence to our constitutional guaranties of individual liberty. Nevertheless, since prejudice manifests itself in much the same way in every age and country and since what has happened before can happen again, it surely should not be amiss to call attention to what has occurred when dominant governmental groups have been left free to give uncontrolled rein to their prejudices against unorthodox minorities. \* \* \* Memories of such events were fresh in the minds of the founders when they forbade the use of the bill of attainder."

And he said further:

"Moreover, officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder, the use of which was from the beginning forbidden to both National and State governments. United States Constitution, article I, sections 9, 10."

As was said in *United States v. Lovett* (328 U. S. 303, 324), cited by Mr. Justice Black in the preceding opinion:

"Figuratively speaking, all discomfiting actions may be deemed punishment because it deprives of what otherwise would be enjoyed. \* \* \*

"The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact."

Upon all the grounds aforesaid I object not only to the jurisdiction of this committee, but also to the questions propounded by it. This objection is made upon the advice of counsel.



# SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

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WEDNESDAY, MARCH 21, 1956

UNITED STATES SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D. C.*

The subcommittee met, pursuant to recess, at 11:05 a. m., in the caucus room, Senate Office Building, Senator Herman Welker presiding.

Present: Senator Welker.

Also present: Robert Morris, chief counsel; William A. Rusher, administrative counsel; Benjamin Mandel, research director; and Robert McManus, investigations analyst.

Senator WELKER. The committee will come to order. Our first witness is Mr. Schuman. Will you raise your right hand and be sworn.

Do you solemnly swear that the testimony you will give before the subcommittee will be the truth, the whole truth, so help you God?

Mr. SCHUMAN. I do, Senator.

## TESTIMONY OF JULIAN SCHUMAN, ACCOMPANIED BY STANLEY FAULKNER, HIS ATTORNEY

Senator WELKER. Will you state your name and address, please?

Mr. SCHUMAN. Julian Schuman, 408 Second Avenue, New York City.

Senator WELKER. Go ahead, counsel.

Mr. MORRIS. How do you spell "Schuman"?

Mr. SCHUMAN. S-c-h-u-m-a-n.

Mr. MORRIS. And what was the address?

Mr. SCHUMAN. 408 Second Avenue.

Mr. MORRIS. New York City?

Mr. SCHUMAN. That is right.

Mr. MORRIS. Now, Mr. Schuman, where were you born and when?

Mr. SCHUMAN. I would like to ask one question. I would like to know what the charges are in bringing me—

Senator WELKER. Just a moment, Mr. Witness. You know good and well there are no charges against you.

We are sitting here as the Internal Security Subcommittee of the Committee on the Judiciary, which has certain duties to perform; to obtain information relative to assist us to suggest and introduce legislation which, in the minds of the Congress, would be helpful to our country.

Now, there are no criminal charges. This is not a criminal offense proceeding in any way whatsoever.

We are here merely, as I say, trying to find information which will be helpful to the committee in recommending to the Congress of the United States certain legislation.

Mr. SCHUMAN. In that case, Senator, you might ask me some questions about the South.

Senator WELKER. I didn't hear you.

Mr. SCHUMAN. I say, I hope that you ask me some questions about conditions in the South.

Senator WELKER. Mr. Witness, from your attitude, you apparently have come here for an argument from the chairman or the acting chairman. Now, you are not going to get an argument from me.

Mr. SCHUMAN. I am not going to argue.

Senator WELKER. And I would not hesitate to argue with you on any matter; but you are not here to argue. You are here to answer questions and you are going to answer questions.

Mr. SCHUMAN. Senator, again——

Senator WELKER. And from now on if you try any argument, then the Chair will bring down his gavel. Proceed, Counsel.

Mr. MORRIS. Where and when were you born?

Mr. SCHUMAN. Boston, Mass.

Mr. MORRIS. In what year?

Mr. SCHUMAN. 1920.

Senator WELKER. Excuse me. Will you pardon me, Mr. Schuman and counsel? I am called for a long-distance phone call. We will suspend for just a moment.

(Short pause in the proceedings.)

Senator WELKER. Thank you very much, gentlemen. The meeting will resume.

Mr. MORRIS. What is your present occupation, Mr. Schuman?

Mr. FAULKNER (addressing photographers). Just a minute, just a minute. Let us have the pictures taken now and not during the hearing, please.

Senator WELKER. Very well. You don't object to being photographed now?

Mr. SCHUMAN. No.

Senator WELKER. Go ahead and take your pictures. You don't need to answer until the photographers have finished their work.

Senator WELKER. All right, now, counsel, proceed.

Mr. MORRIS. Mr. Schuman, what is your present occupation?

Mr. SCHUMAN. I am a writer and free-lance editorial worker.

Mr. MORRIS. And what are you doing at the present time?

Mr. SCHUMAN. Sir, I don't believe that this committee has the right to ask me questions on my writing, under the first amendment, the freedom of the press and freedom to write——

Senator WELKER. I have heard your objection and your objection is not tenable. You are ordered and directed to answer the question propounded to you by counsel.

Mr. SCHUMAN. I will answer, Senator. Nevertheless I would like to explain my grounds so that the record will be clear.

Senator WELKER. Just a moment. You will answer the question: What do you do now?

He did not ask you to make a speech or read any document. If you are laying bricks, why don't you say so; or if you are doing anything now—work like writing or as an editorial writer, that is a very simple answer. So, I am directing you to get on with your answer.



Mr. SCHUMAN. I said I am a writer and a free-lance editorial worker.

Senator WELKER. Very well.

Mr. MORRIS. Mr. Schuman, would you give us a brief sketch of your educational background?

Mr. SCHUMAN. Yes, sir. Starting where? At the grade level?

Mr. MORRIS. The high school level.

Mr. SCHUMAN. I went to high school. I went to college, and then I went to—

Mr. MORRIS. What college?

Mr. SCHUMAN. The first college is the College of the City of New York.

Mr. MORRIS. What years?

Mr. SCHUMAN. I believe it was 1939—1939 to 1940, 1941.

Mr. MORRIS. Did you obtain a degree?

Mr. SCHUMAN. No, sir. Then I went into the Army during World War II.

Mr. MORRIS. Did you go into the Army December 18, 1942?

Mr. SCHUMAN. I can't remember the exact date. I do remember December.

Mr. MORRIS. Well, Mr. Chairman, I have here a letter which Mr. McManus will identify for the record.

Mr. McMANUS. This is a letter to the Honorable William E. Jenner, chairman, Internal Security Subcommittee, dated August 30, 1954, attention of Mr. Robert C. McManus, and it says, "Dear Mr. Chairman"—

Mr. MORRIS. No; just identify it.

Senator WELKER. I think you have already identified it.

Mr. MORRIS. All right. Mr. Chairman, this gives in full detail the Army career of the particular witness before us; and may it go into the record at this time?

Senator WELKER. Yes. I suggest that you show it to the witness.

Mr. SCHUMAN. I would like to see it.

(Document was handed to Mr. Schuman.)

(The document referred to is as follows:)

#### EXHIBIT No. 182

DEPARTMENT OF THE ARMY,  
OFFICE OF DEPARTMENT COUNSELOR,  
August 30, 1954.

Hon. WILLIAM E. JENNER,

*Chairman, Internal Security Subcommittee,*

*Committee on the Judiciary, United States Senate.*

(Attention: Mr. Robert C. McManus.)

DEAR MR. CHAIRMAN: Pursuant to a request by Mr. Robert C. McManus, of your committee staff, there follows a summary of the service record of former T4c. Julian Schuman, Army serial No. 32687665.

Schuman was inducted into the Army on December 18, 1942, and entered on active service from New York City on December 28, 1942. From January 1, 1943, until February 28, 1943, he was assigned to Fort Hamilton, N. Y., for basic training. From February 28, 1943, until November 20, 1943, he continued to be stationed at Fort Hamilton where he served as a file clerk, a student clerk-typist, and warehouseman, and where he entered a period of classification for the Army specialized training program. After a brief stay at Camp Upton, N. Y., Schuman was assigned on December 6, 1943, to an Army specialized training unit, the 1144th Signal Corps Service Unit at Harvard University, Cambridge, Mass. His period of training at this station ended on September 12, 1944, when he was

assigned to the 2d Signal Service Battalion, Vint Hill Farms Station, Warrenton, Va., for training as a cryptanalysis technician (Japanese) (military occupation specialty 808-J). On January 6, 1945, he was assigned to the 3794th Signal Service Detachment, Camp Wood, N. J., and attached to the 848th Signal Training Battalion, Fort Monmouth, N. J., until March 9, 1945, serving as a cryptanalysis technician (Japanese).

Schuman departed for the Pacific theater of operations on March 20, 1945. On November 2, 1945, he was transferred to the 199th Signal Service Company, APO 958. On December 8, 1945, Schuman was assigned to the 4025th Signal Service Group, APO 74. Still serving as a cryptanalyst, on December 17, 1945, Schuman was assigned to Headquarters, Army Security Agency, Pacific, APO 500. While still assigned to this organization, on January 3, 1946, he was attached to the advance echelon, Headquarters and Service Group, General Headquarters, Armed Forces Pacific, APO 500. On February 2, 1946, he was attached to the 4th Replacement Depot, APO 703, and departed Japan for the continental United States February 23, 1946; he arrived in the United States on March 10, 1946. His separation from the service in the grade of technician fourth class took place at Fort Dix, N. J., on March 21, 1946.

Schuman's file contains a notation dated October 19, 1944, that he had been cleared for "duties in connection with secret and confidential cryptographic material."

Sincerely yours,

(Signed) LEWIS E. BERRY, Jr.,  
*Deputy Department Counselor.*

Mr. MORRIS. To your knowledge, there is nothing inaccurate about that, is there, Mr. Schuman?

Mr. FAULKNER. There is something very inaccurate, obviously inaccurate.

Mr. MORRIS. What is that?

Mr. FAULKNER. It is addressed to the Hon. William E. Jenner, chairman, Internal Security Subcommittee.

Mr. MORRIS. Yes; but look at the date.

Mr. FAULKNER. August 30, 1954.

Senator WELKER. And that was when Senator Jenner was chairman; but I mean, about the facts, is there anything inaccurate?

Mr. FAULKNER. Well, I think the record should disclose it is a letter dated August 30—

Mr. MORRIS. It does show.

Mr. FAULKNER. Well, if you read it into the record—that portion should indicate that you have asked what is inaccurate with it and we have shown that it is addressed to Senator Jenner at the time that he was—

Senator WELKER. Counsel, you are getting awful technical with us this morning.

Mr. FAULKNER. Well, as a former prosecutor, you and I share the same—

Senator WELKER. Excuse me, in other cases, not like this—this is not a criminal case.

I will say this for the record. We have the most pleasant relationship, you have been before this committee when I have been chairman many times, and you have been a gentleman in every respect, you have always advised your client as to what you thought was best, and I would always want to commend you, sir.

Mr. FAULKNER. Thank you.

Senator WELKER. Proceed.

Mr. MORRIS. Mr. Schuman. You were a cryptanalyst in the service, were you?

Mr. SCHUMAN. At one period I was. That was after I studied Chinese in the Army.

Mr. MORRIS. When did you study that?

Mr. SCHUMAN. Harvard University.

Mr. MORRIS. What year?

Mr. SCHUMAN. Nineteen—well, I don't know. I believe I started the course in the fall of 1944—1944.

No, I am sorry, I started in December, 1943, and the course ended about September of 1944.

Mr. MORRIS. What was the training that you received at Vint Hill Farms, Warrenton, Va.?

Mr. SCHUMAN. Well, sir, I am afraid I cannot disclose it to you. I would like to explain it—because in this particular branch of the service when the war ended, I was in Hawaii, and the whole group took an oath not to discuss or divulge any of this material, so I can't—that is why.

Mr. MORRIS. Is that the reference to the last paragraph, that:

Schuman's file contains a notation dated October 19, 1944, that he had been cleared for "duties in connection with secret and confidential cryptographic material."

Mr. SCHUMAN. I doubt it. I would think that that particular quote would refer to my being accepted into the course originally.

Mr. MORRIS. But it is your testimony now, your position now, you would rather not discuss it because of the classified nature of the work at Vint Hill Farms?

Mr. SCHUMAN. Well, because I was instructed by my commanding officer, along with every other man in my unit.

Senator WELKER. I think that is a very valid objection and I don't think we should pursue it any further.

Mr. MORRIS. All right.

Now, what did you do when you left the service, Mr. Schuman?

Mr. SCHUMAN. I went to Yale University, for, I believe, approximately a year.

Mr. MORRIS. What did you study there?

Mr. SCHUMAN. I studied some more Chinese language courses.

Mr. MORRIS. I see. What year was this?

Mr. SCHUMAN. This was from, I believe, the summer of 1946, summer session, and fall and spring, until the summer of 1947.

Mr. MORRIS. And then what did you do after that?

Mr. SCHUMAN. Well, by that time I was ready to go out to China and I left for China at the end of 1947.

Mr. MORRIS. I see. Where did you go in China at the time? Did you go to that part of China that was occupied by the Chinese Communist troops or free China?

Mr. SCHUMAN. Well, I went to Kwantung, China, and that was ruled by Chiang Kai-shek at that time.

Mr. MORRIS. What occupation did you have when you went to China?

Mr. SCHUMAN. I went out with the intention of trying to do newspaper work.

I did not have a job when I went out. I went out on my own and when I got to China I got a job on an English-language newspaper in China, Chinese-owned.

Mr. MORRIS. Would you spell that?

Mr. SCHUMAN. I said, it was Chinese-owned.

Mr. MORRIS. Owned.

Mr. SCHUMAN. Owned, and the name of it was the China Press, owned by H. A. Kung, who was one of Chiang Kai-shek's closest and richest associates.

Mr. MORRIS. Now, Mr. Schuman, were you a Communist at that time?

Mr. SCHUMAN. I—I don't believe that—again, that this committee has the right to ask me about my political affiliations or my ideas in general.

Senator WELKER. Mr. Schuman, if you desire advantage of the fifth amendment, which we discussed in executive session awhile ago, we will happily listen to that protective objection; but he is not asking you what you believe in, the question is not that; so I am ordering and directing you to answer that question.

Mr. SCHUMAN. I will have to stand on the privileges granted me under the fifth amendment.

Mr. MORRIS. What other publication did you work for in China?

Mr. SCHUMAN. I worked for the American Broadcasting Co., the Chicago Sun-Times, the Denver Post, the China Weekly Review, and the China Monthly Review.

Mr. MORRIS. All right. Will you tell us what the China Monthly Review is—was?

Mr. SCHUMAN. It was a magazine which originally was founded by an American in China, in Shanghai, and specifically in 1917 and had continued in operation until the Japanese occupied Shanghai and they closed it and threw the editor in jail.

It was reopened again after V-J Day and continued as a weekly, I believe, up until 1950, when it became a monthly. It was an American-owned magazine.

Mr. MORRIS. Who was editor?

Mr. SCHUMAN. At what period?

Mr. MORRIS. After 1950.

Mr. SCHUMAN. I believe John W. Powell.

Mr. MORRIS. And what was the time, the months and years you worked for the China Monthly Review?

Mr. SCHUMAN. I think—I am not clear as to the exact month when I began.

It was the spring of 1950, until the—until, I believe May or June of 1953.

Mr. MORRIS. Mr. Chairman, I have here, prepared by the staff, a summary of the contributions of Julian Schuman to the China Monthly Review and I ask that the list go into the record at this time.

Senator WELKER. Very well.

Mr. MORRIS. There are articles numbering 16, from December 1950; the latest one seems to be June 1953. May they go into the record, Mr. Chairman?

Senator WELKER. Let us have Mr. Schuman take a look at it. Maybe you have something there that he did not write.

(Document was handed to Mr. Schuman.)

Mr. FAULKNER. Mr. Chairman, are we going to have an opportunity to see these articles?

Mr. MORRIS. Yes; you will have an opportunity, Mr. Faulkner. After the session today, we will sit down and look through them all, if you want to.

I would just like to have that list in the record, Mr. Chairman, and we will give counsel and the witness an opportunity to see that the list was prepared correctly.

Senator WELKER. So ordered.

Mr. FAULKNER. We are not in a position to say whether this list was prepared correctly, because we have nothing to compare.

Senator WELKER. You will have an opportunity.

Mr. MORRIS. You will have an opportunity.

Mr. FAULKNER. Well, we are not identifying the list.

Senator WELKER. Very well. We are not asking you to. We were courteous enough to let you take a look at it, and if you want to look it over, if there are any errors in it, let me know and it will be corrected right away.

(The document referred to was marked "Exhibit 183" and is as follows:)

#### EXHIBIT No. 183

#### JULIAN SCHUMAN

China Monthly Review, December 1950, p. 138, 139, New Trends in Films.

Translation, China Monthly Review, August 1952, p. 175, a short story by Chih Bu—Home.

China Monthly Review, November to December 1952, p. 464, Peking Revisited.

China Monthly Review, January 1953, p. 46, 47, Long Live Peace, re Peace Conference.

China Monthly Review, May 27, 1950, p. 22, a new Shanghai play—The Voice of America.

China Monthly Review, January 1951, p. 33, 34, 35, 36, translation, Who Is the Enemy?

China Monthly Review, October 1951, p. 178, 179, translation of story, Marriage.

China Monthly Review, September 1950, p. 29, Letter from Shanghai signed J. S.

China Monthly Review, October 1950, p. 61, Letter from Shanghai signed J. S.

China Monthly Review, November 1950, p. 102, Letter from Shanghai signed J. S.

Mr. MORRIS. Mr. Chairman, in addition, I have a letter from the United States Department of Justice signed by William F. Tompkins, dated March 16, 1956, which says regarding Schuman:

Additionally, his name appears in the table of contents for several of the 1953 issues as author of various articles.

and so on. May that go into the record?

Senator WELKER. Very well, so ordered.

(The letter referred to was marked "Exhibit No. 184" and is as follows:)

#### EXHIBIT No. 184

DEPARTMENT OF JUSTICE,  
Washington, D. C., March 16, 1956.

Mr. ROBERT C. McMANUS,

*Research Analyst,*

*Senate Office Building, Washington, D. C.*

DEAR MR. McMANUS: Reference is made to your telephone conversation of March 15, 1956, with Mrs. Dorothy Fillius Green of this section, wherein you requested certain information concerning one Julian Schuman.

A study of the issues of the China Monthly Review for the period January 1951 through July 1953, reveals that Julian Schuman's name appears on the mast-head of each issue during this period under the title of "Associate Editor."

Additionally, his name appears in the table of contents for several of the 1953 issues as author of various articles, to wit:

- (1) February: People and Places in New China
- (2) March: Two Who Came Back
- (3) April: A Factory in New China

(4) May: New World for Workers

(5) June: Peking Primary School

Your assistance and cooperation in enabling this Department to continue in possession of the Library of Congress' copies of the China Monthly Review is greatly appreciated.

Sincerely,

WILLIAM F. TOMPKINS,  
*Assistant Attorney General, Internal Security Division.*  
By THOMAS K. HALL,  
*Chief, Subversive Activities Section.*

Mr. MORRIS. Mr. Schuman, while you worked for the China Monthly Review did you recognize that was an organ of anti-American propaganda?

Mr. SCHUMAN. May I consult my counsel?

Mr. MORRIS. You may.

Senator WELKER. Certainly.

Mr. SCHUMAN (after consulting with his attorney). Is this question asking me for my opinion as to that particular publication?

Mr. MORRIS. Well, I would like to show you some cartoons——

Senator WELKER. No; let him answer the question. Repeat the question to him, please.

Mr. MORRIS. Will you repeat the question?

(The question was read.)

Mr. SCHUMAN. I take that question to be one asking my opinion, and I am sorry, sir, but I don't believe the committee has the right to investigate my opinions.

I will have to claim my privileges under the fifth amendment.

Senator WELKER. Well, of course, I will not recognize your right not to give your opinion. I know you are a smart and intelligent man and when you are asked your opinion, we expect one. You are now taking the fifth amendment?

Mr. SCHUMAN. That is right.

Senator WELKER. All right.

Mr. MORRIS. I would like to put into the record and show Mr. Schuman at the same time, 16 cartoons taken from the China Monthly Review which are very obviously, and it cannot be disputed, extremely anti-American propaganda cartoons. I will show those to you, Mr. Schuman.

(The material referred to was handed to Mr. Schuman.)

Mr. MORRIS. Are there any comments you want to make on those cartoons, Mr. Schuman?

Mr. SCHUMAN. No comment.

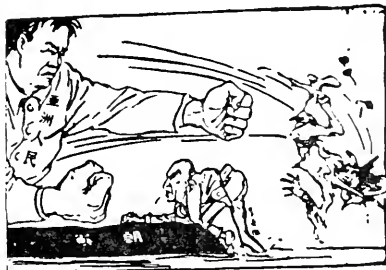
(The cartoons referred to are marked "Exhibits 185, 185-A, and 185 B" and are reproduced on the following pages:)

[EXHIBIT No. 185]

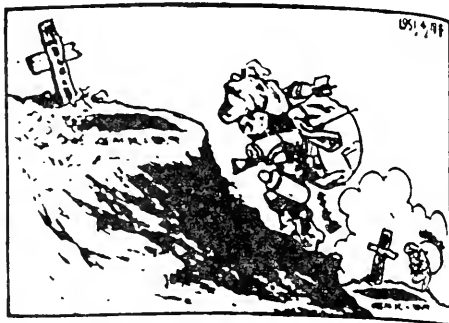
★  
Chinese Cartoonists  
Look at  
MacArthur  
and  
Korea  
★



MacArthur's cry to extend the war in Korea to China's Northeast meets with the resistance of the Koreans and the Chinese.



MacArthur's replacement, Ridgway, will meet with the same blows of the Asian people as MacArthur was dealt.



America's new military commanders in Korea, Fleet and Ridgway, head for the same burial grounds their predecessors meet disaster in.



The united strength of all personnel of the Chinese Christian churches and schools support the drive to "resist American imperialism, aid Korea and protect the home."



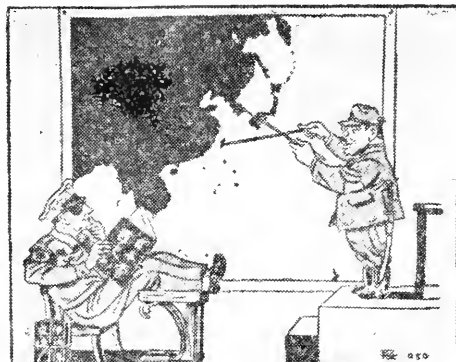
Reality ignored: Portrait of a "vile" general by MacArthur

China Monthly Review

May 1951

Oct. 1950 p. 62 China Weekly Review

# CARTOONS OF THE MONTH



MacArthur's friend, the Japanese militarist, relates his past experience in Asia and the necessity of holding Korea and Taiwan.



"Washington's Bandits", Acheson, Truman, and Wall Street, grab the American people's wealth for a war of aggression.



Acheson and MacArthur collect bits and pieces from the East and West for their Korean adventure.



China's new marriage law breaks the chains of a feudal system which subjugated and oppressed the nation's women.



Four scenes pertaining to agrarian reform. 1) Feudal exploitation by the landlord gave him all the land less peasant nothing. 2) Peasant demands his share and an end to feudalism. 3) Feudalism has been shattered and the ex-landlord, worrying about his future, is offered the opportunity of working his portion of the land. 4) The completion of land reform means that both the former landless peasant and the ex-landlord have their own land to till.



EXHIBIT No. 185-B

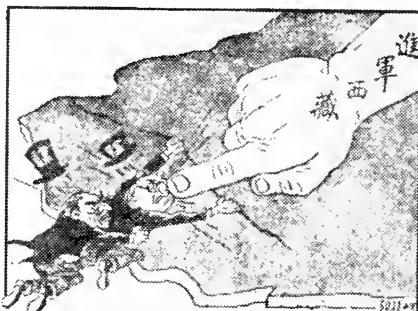
Dec. 1950 p.146 China Weekly Review

# CARTOONS

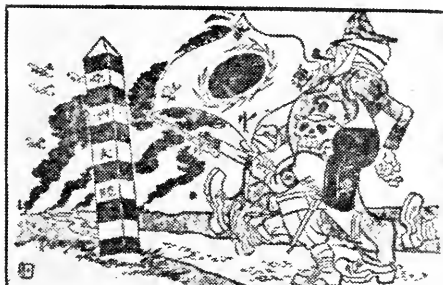
## OF THE MONTH



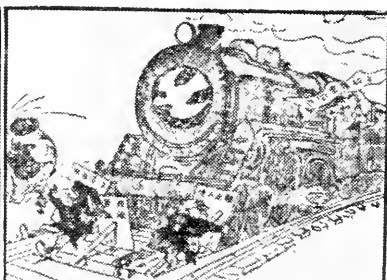
One of China's most famous cartoonists, Mr Ku, says, "God wants the American invaders in Korea to spend Thanksgiving and Christmas there."



PLA troops by entering Tibet are breaking up British and American schemes for that part of Chinese territory.



America is marching down the same road to war the Japanese took as it goes by the post reading "Asian Continent."



Commenting on Britain's behavior toward the world Peace Congress, this cartoon says that Bevin, Attlee, Churchill, and their American backing can't stop the world peace drive.



America tries to spread the flames of war from the small house, Korea, to the big house, China. By putting out the fire China is "resisting American imperialism, helping Korea and safeguarding her own country."



While the "Voice of America" cries "no designs on China," Truman and MacArthur deny that the Yalu River is the dividing line between China and Korea.

Mr. MORRIS. Did you attend the Asian-Pacific Peace Conference in October 1952, Mr. Schuman, while you were in Red China?

Mr. SCHUMAN. Yes, sir; I did—as a newspaperman.

Mr. MORRIS. I offer you a photograph here, Mr. Schuman, which was taken at the Peiping railroad station in October 1952, during the Asian-Pacific Peace Conference, and I ask you if you recall the scene depicted therein.

(The photograph was handed to Mr. Schuman.)

Mr. MORRIS. Mr. McManus, will you identify this picture?

Mr. CHAIRMAN. Mr. McManus has been sworn for the purpose of identifying documents taken from the footlocker of William Hinton.

Mr. McMANUS. This is a reproduction of an original which I took from the footlocker of William Hinton. The reproduction was made at my direction.

Mr. MORRIS. Will you identify the individuals whose pictures appear in this photograph, Mr. Schuman, that picture I show you at the Peiping station during the Asian-Pacific Peace Conference?

Mr. SCHUMAN. Peking station, the translation from Chinese is "Peking."

You mean everyone in the picture, or——

Senator WELKER. As many as you can.

Mr. MORRIS. Yes.

Mr. SCHUMAN. Well, I will identify the people I know.

Senator WELKER. Please do.

Mr. SCHUMAN. I would also like to make one comment, sir, related to this picture, because I am sure that this committee feels that there may be some, perhaps, dire significance in the fact that I have a bouquet of flowers in my hand.

At this time it was the custom for delegates to that conference to be given flowers when they arrived.

Mr. MORRIS. Were you a delegate?

Mr. SCHUMAN. I was not, sir, but foreigners were few and far between and I came up on this train from Shanghai which arrived with these two people, Mr. and Mrs. Powell, who, I believe, were delegates; and I was immediately thought of as a delegate. This is as it actually happened—all I know—I would identify Mr. and Mrs. Powell.

Mr. MORRIS. They are the only people?

Senator WELKER. Were they there?

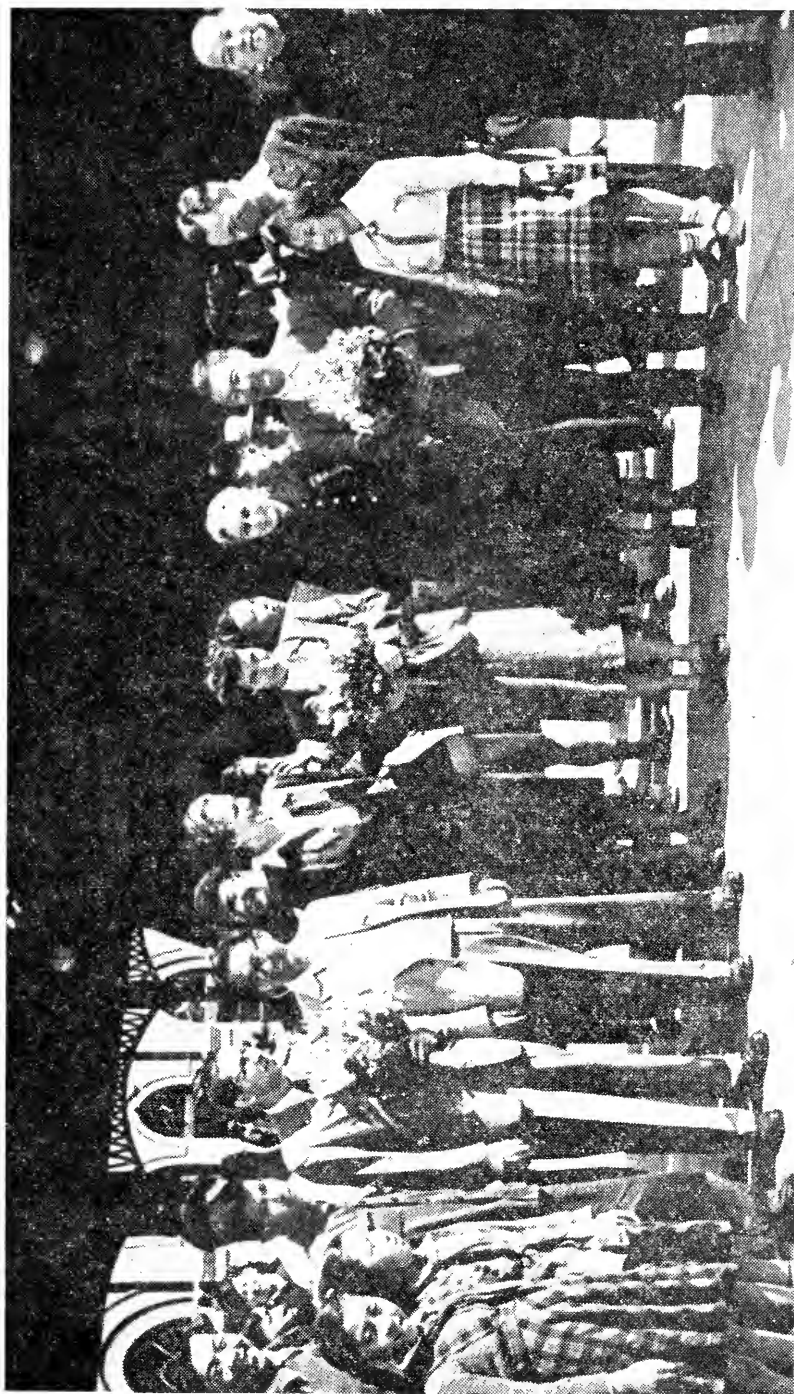
Mr. SCHUMAN. At the time I came up there, they were. I don't recognize any of the Chinese in that.

Senator WELKER. You were in the picture, weren't you?

Mr. SCHUMAN. Oh, yes.

Senator WELKER. Very well.

(The photograph referred to was marked "Exhibit 186" and is reproduced on the following page:)



Mr. MORRIS. You did cover the Asian-Pacific Peace Conference, did you not, Mr. Schuman?

Mr. SCHUMAN. That is right.

Mr. MORRIS. For what publication?

Mr. SCHUMAN. For the China Monthly Review.

Mr. MORRIS. Now, that was the peace conference at which charges were made that the United States was engaging in bacteriological warfare, germ warfare, wasn't it?

Mr. SCHUMAN (after consulting with his attorney). Well—I don't remember specifically it was made then, but I will say that at that time the Chinese were making the charge—that may have been before that.

Mr. MORRIS. I would like to show the witness a photograph already in our record,<sup>1</sup> and this purports to be a group of Americans, including the present witness, who are listening to a so-called recording of confessions, which we have in the record now, forced confessions, Americans confessing that they engaged in bacteriological warfare in Korea. This is already in the record, Mr. Chairman, and purports to be a picture of the Asian-Pacific Peace Conference, taken from the footlocker of William Hinton. I show that to you, Mr. Schuman.

Do you recall the scene depicted therein, Mr. Schuman?

Mr. SCHUMAN. Well, frankly, I don't recall the actual incident.

Now, that picture could or could not have been—I believe, if you will look at it—I frankly cannot answer and say that is me, right now.

Mr. MORRIS. Will you identify the people in the picture from left to right?

Mr. SCHUMAN. Well, again, there are the Powells.

Mr. MORRIS. That is, from left to right?

Mr. SCHUMAN. Oh, I am sorry.

I cannot identify that woman.

Senator WELKER. Will you identify those in the picture that you can?

Mr. SCHUMAN. The only ones I clearly recognize are Mr. and Mrs. Powell, who are right up in front. Now, I don't know, I am—I am really—I could not be positive, I would not want to say.

Mr. MORRIS. Do you know a woman named Isabel Cerney?

Mr. SCHUMAN. I believe she was at the conference.

Mr. MORRIS. I see—but you don't see her picture there?

Mr. SCHUMAN. Well, I would say, again, that I—well, I met these people, I met these people perhaps once or twice and as far as Mrs. Cerney, I don't even know if I would recognize Mrs. Cerney in this room—

Senator WELKER. Well, you cannot recognize from the photograph?

Mr. SCHUMAN. No, sir, I cannot.

Senator WELKER. And you cannot recognize whether Bill's picture is there?

Mr. SCHUMAN. Really, it may or may not be. I am not trying to evade answering; directly, that is a truthful statement.

Senator WELKER. And that goes to the credibility. Very well.

Mr. FAULKNER. Mr. Chairman, I would assume, sir—of course, Judge Morris said that this was a listening to a phonographic record of confessions.

<sup>1</sup> At p. 191, pt. 6.

Now, there is nothing to indicate that that is what it is, and there is no recorder——

Senator WELKER. Tape recording, I believe they used—a tape recording machine is there in front of him.

Mr. FAULKNER. But it does not say what they are listening to. I think that is a volunteered statement by Judge Morris.

Mr. MORRIS. What is?

Mr. FAULKNER. That they were listening to these confessions.

Mr. MORRIS. Well, that is what the evidence so far from the previous hearing indicates. As best as we are able to find out, that is what it was.

Mr. SCHUMAN. Judge, I would like to ask the reporter to read back the statement you made to the effect that there was some sort of a forced confession, I believe.

Mr. MORRIS. Well, suppose I explain to you.

Mr. SCHUMAN. Yes.

Mr. MORRIS. We have had testimony here that this particular picture purports to indicate that on a wire recorder, tape recorder at that time, there were forced confessions of Americans, American fliers being read.

Now, we have obtained affidavits from the fliers involved, and they have submitted affidavits—weren't they, Mr. McManus, or statements?

Mr. McMANUS. There were statements put into the record of the United Nations.

Mr. MORRIS. To the effect that those confessions were forced on them and they were not true.

Mr. SCHUMAN. Sir, on that entire subject, I certainly don't know whether they were forced or not, and these particular people said that they were; however, I would——

Mr. MORRIS. Did you hear them? Did you hear the so-called confessions of American fliers on germ warfare?

Mr. SCHUMAN. Well, at what time?

Mr. MORRIS. At any time.

Mr. SCHUMAN. I believe I saw the documentary movie which was shown in the regular theaters.

However, I mean, the whole question of forced confessions and so-called brainwashing, I would suggest that the committee put into the record an article in the U. S. News & World Report of February 24 of this year, called, "Why did many GI captives cave in?"

It is a very pertinent article by a major, I believe Maj. William Mayer, an Army psychiatrist, who interviewed 1,000 prisoners. I do not want to waste the time of the committee, but I think——

Senator WELKER. Mr. Witness, I am sure that if we need additional help—as yet, you have not been hired on the staff. I appreciate your remarks, but we will go ahead with what we have here.

Now, I want to ask you this question.

Mr. SCHUMAN. Could I offer this in evidence?

Mr. FAULKNER. Mr. Chairman, may we offer this for the benefit of the committee and to be put into the record?

Senator WELKER. You cannot.

Mr. MORRIS. Mr. Chairman, the staff is acquainted with that, and I have read that, probably, more than you have, Mr. Faulkner.

Mr. FAULKNER. I am sure, we are just doing our best to—we want to help the committee on this question.

Senator WELKER. I understand that and I appreciate that very much.

Mr. Schuman, were you ever photographed in China, Red China, with what I take to be a set of aerial bombs in the background; and where you were photographed along with William Powell and his wife, Sylvia Powell, and others?

Mr. SCHUMAN. Did you say photographed?

Senator WELKER. Yes. Were you photographed with aerial bombs being in the background and in the picture Powell and his wife, Sylvia, appear and Joan Hinton and a person that, at least in my limited amount of vision, appears to be you, Mr. Witness; were you photographed at a time in Red China or any other place with that background of aerial bombs?

Mr. SCHUMAN. Are you referring to the picture you just showed me?

Senator WELKER. Yes.

Mr. SCHUMAN. I have seen that picture. Now, whether they were aerial bombs in the photographs, photographs of aerial bombs or actual bombs, I don't know.

Senator WELKER. All right, they were photographs of what purport to be aerial bombs. This is an exhibit and I am interrogating on it.

Mr. SCHUMAN. Yes.

Senator WELKER. You want to say you were never photographed with such a background or with such a group of people?

Mr. SCHUMAN. Well, I just don't remember that.

Senator WELKER. You don't remember; and the only time you have ever heard anything about germ warfare, I think you stated, was what you heard or saw on a motion-picture screen?

Mr. SCHUMAN. That is right.

Senator WELKER. Where in—

Mr. SCHUMAN. Well, I was reading a great deal about it in the press.

Senator WELKER. Yes, and if this happened to be you, Mr. Schuman, in the photograph that I am holding in my hand, do you have any idea of what the electronic device is which appears on this table in the foreground of the picture?

Mr. SCHUMAN. I would have to look at it again.

Senator WELKER. All right, we will send it down again.

Mr. SCHUMAN. When you showed it to me first, you asked about the individuals.

[After examining photograph.] If that is me in the picture, I would say that these machines are tape recorders; and, again, if that is me, these are bombs in the background—and I just don't remember.

Senator WELKER. Very well. Now, I think I made the statement and I think it went into the record that it was William Powell. It was John W. Powell.

Mr. SCHUMAN. Did I say William?

Senator WELKER. I said it, not you.

Mr. SCHUMAN. Oh, I see.

Senator WELKER. John W. Powell. That is my mistake. Proceed.

Mr. MORRIS. Now, did you know Isabel and Edwin Cerney as delegates to that particular peace conference?

Mr. SCHUMAN. Well, I was there covering that conference, and I met many delegates.

I believe I did meet Mrs. Cerney and I probably met Mr. Cerney, but I met them along with dozens or perhaps a hundred other people.

Mr. MORRIS. Other Americans?

Mr. SCHUMAN. No, sir—

Mr. MORRIS. Were Mr. and Mrs. Louis Wheaton there?

Mr. SCHUMAN. No—they were there—they were.

Mr. MORRIS. Was there a man by the name of Louis Suzuki and his wife there?

Mr. SCHUMAN. Yes; I believe they were.

Mr. MORRIS. May Bonzo Suzuki, that is the wife of Louis Suzuki?

Mr. SCHUMAN. I am afraid that I don't recall that, I don't remember him having a wife.

Mr. MORRIS. How about a man named Kerner, publisher of a British-Indian newspaper, did you meet him there?

Mr. SCHUMAN. At the Peace Conference?

Mr. MORRIS. Yes.

Mr. SCHUMAN. No, sir.

Mr. MORRIS. Well, Mr. Chairman, I would like to put into the record an article purporting to be written by Julian Schuman, entitled—it is dated May 29, 1949, by Julian Schuman, special to the Sun-Times, Shanghai, and reading in part:

After weeks of rumor, Shanghai is learning about its Communist conquerors and it likes what it sees.

There is no doubt of the favorable impression of the Communist troops on both Chinese and foreigners as a result of their orderly manner and politeness, as contrasted with the behavior of the Nationalists the last few weeks.

I offer that article, and I ask you if you wrote that, Mr. Schuman. [Handing document to Mr. Schuman.]

Mr. SCHUMAN (after consulting with his attorney). I would say I wrote that article.

Senator WELKER. Very well; the article will be placed in the record. (The article referred to was marked "Exhibit No. 187" and is as follows:)

#### EXHIBIT No. 187

[Chicago Sun-Times, May 29, 1949]

#### REDS LOOK GOOD TO WEARY SHANGHAI

#### COMMUNIST GI'S MAKE GOOD IMPRESSION

By Julian Schuman

Special to the Sun-Times

Shanghai—After weeks of rumor Shanghai is learning about its Communist conquerors and it likes what it sees.

There is no doubt of the favorable impression of the Communist troops on both Chinese and foreigners as a result of their orderly manner and politeness, as contrasted with the behavior of the Nationalists the last few weeks.

One anti-Communist merchant told of seeing a coolie offer a glass of boiling water to a Communist soldier eating a bowl of dry rice. The soldier not only declined the water but delivered a lecture to the coolie and the surrounding crowd on how the People's Liberation (Communist) Army never takes anything from the public.

#### VERY POLITE

Another soldier, who said he hadn't eaten for 3 days, refused an offer of bread, explaining that a soldier isn't worth much if he can't go 3 days without eating. When his would-be benefactor almost forced the bread on him he took it, but insisted on paying for it. Some of the Communist troops refused offers of beds and slept on the sidewalk because they didn't want to impose on the public.

Their attitude toward foreigners is impersonal but very correct. The foreigners walk and drive about freely while the Communist troops look on completely aloof. Among the cartoons and posters plastering the walls of buildings are a number in English such as "The foreigners in China should immediately correct the wrong conception of despising the Chinese people" and "The Liberation Army completely protects the lives and property of all foreigners."

#### REFUGEES RETURN

It was noticeable that there were no anti-American posters, although one opposed foreign imperialism.

Along the road leading to the airport which once was used by Gen. Claire Chennault's airplane company and which was destroyed by the retreating Nationalists, the peasants who fled the city weeks ago are returning to their homes in the countryside.

I asked several who were rummaging for bricks in a demolished pillbox how they felt. They told me that the best feeling was that there was no longer any danger of being "la fu" (conscripted) by the Nationalists.

They also said that unlike the Nationalist troops these new soldiers did not bother them and paid for anything they needed. Farmers were seen on the road going into the city to supply much of the food supplies which had been cut off while the fighting was going on.

#### BRITON IMPRESSED

One Briton, whose house in the country was in the line of fire the night before the Communists entered Shanghai reported that thousands of Nationalist prisoners had passed by in the last 2 days on their way to the Communist rear. He was particularly impressed by the preciseness of the Communists in attacking Nationalist positions less than 100 yards from his house as well as by their conduct after entering the area.

Thus far the Communists, unlike the Nationalists, are holding Shanghai with relatively few troops. As in the other cities they have liberated, their policy is to work with most of the former personnel.

Mr. SCHUMAN. I would also like to say that I was not the only American correspondent there, and reporter on that feature of the changeover, who was there at this time.

Mr. MORRIS. Did you know a Joseph Starobin in Red China?

Mr. SCHUMAN. I don't believe—I knew he was there at the Peace Conference, but I don't believe I met him.

Mr. MORRIS. Now, when did you return from Red China, Mr. Schuman?

Mr. SCHUMAN. I returned at the very end of 1953.

Mr. MORRIS. At what port did you arrive in the United States?

Mr. SCHUMAN. San Francisco.

Mr. MORRIS. Mr. Mandel, would you put into the record the articles written by Mr. Schuman, at this time, while he was in Red China, to be incorporated in the record?

Mr. MANDEL. I have here an article from the New World Review, dated March 1953. This magazine was formerly known as Soviet Russia Today, and the article is entitled, "A Private Businessman in New China," by Julian Schuman.

There is another article from the same magazine, dated January 1953, entitled "Old and New Merge in China," by Julian Schuman, "Land reform transforms lives of millions, makes traditional griefs only a memory."

Then I have here a pamphlet by Julian Schuman, entitled "Is There a United States China Market?", published by Julian Schuman, and it says in the introduction to this pamphlet that, since returning to the United States, Mr. Schuman has spoken on China before a number of groups, including the American Friends Service Committee, and, last



September, The Nation published his article on China, and it says that, at present, Mr. Schuman is writing a book.

And I have an article here from The Nation by Julian Schuman on "The China Trade," dated September 11, 1954.

(The articles referred to were marked "Exhibit 188 to 188-C." Exhibit 188-C was placed in the subcommittee files. The three other articles read as follows:)

#### EXHIBIT No. 188

[New World Review, January 1953]

#### OLD AND NEW MERGE IN CHINA

LAND REFORM TRANSFORMS LIVES OF MILLIONS, MAKES TRADITIONAL GRIEFS ONLY A MEMORY

(By Julian Schuman)

The author of this closeup of life in the new China of today is an American journalist who speaks Chinese and has lived in China since 1947. During a recent 2-month period he traveled nearly 5,000 miles in that country from the industrial northeast down to Canton, observing the growth and development of a number of China's largest cities, life in the villages and the Huai River flood control project. Mr. Schuman has written for the Denver Post and the Chicago Sun-Times, and for a year prior to the victory of the Chinese People's Republic, also served the American Broadcasting Co. He is at present associate editor of China Monthly Review, an American-owned magazine published in Shanghai.

Seeing is believing, but to this must be added "hearing is believing" if one wants to understand new China. The physical aspects of the new life of China's millions are here for the eye to see, yet, at the same time, in the spoken word of past grief and present change for the better are to be found the true feelings of the people. China is an ancient nation grown young and new, and to talk with her men and women is to learn and feel what liberation has meant.

Land reform has reached to the farthestmost points in China. From the northeast to the deep south the land is now in the hands of those who work it. And whether it is a cooperative farm outside of Mukden, where land reform came early, or a tiny village near Canton some 2,000 miles to the south, where mutual-aid teams are beginning to better the lives of those who have just gotten land, the story—in the sharp Mandarin dialect of the northeast peasant and in the song-like tones of his brother in the south—is a simple yet vivid picture of the new life which has been won—against the background of downtrodden and bitter days under the Kuomintang.

In northeast China, where large scale land reform was first carried out, the pattern of land reform, then the mutual-aid team followed by the cooperative farm, is well developed. The collective farm comes later.

The village of Kao Gan is a typical cooperative farm which has grown out of the mutual-aid stage. A few miles from industrial Mukden, it is made up of 167 families comprising 720 people. Before liberation 61 percent of the population were poor peasants or tenant farmers, 30 percent were middle peasants, and 9 percent were landlords and rich peasants. The landlords and rich peasants owned 90.7 percent of the land.

To understand new China is to know about old China and in Kao Gan, just as all over the country, the totally disproportionate ownership of land and the high rents (usually more than half a peasant's crop) made for the chief cause of peasant grief. For example, here in Kao Gan, before liberation Han Yuming, a tenant farmer leased 20 mou (a mou is one-sixth of an acre) of land and averaged 27 piculs (a picul is about 133 pounds) of grain a year. He paid 13 piculs to the landlord for rent, 6 went for land tax and Han used up the equivalent of 1 picul a year to give his landlord gifts come festival time. The result was that he and his family of 4 were forced to borrow at high interest rates, and were left with about 5 piculs of grain after a year's toil.

This fertile area, where kaoliang, corn, soyabeans, millet, wheat, and rice are all raised, was liberated in autumn 1948 and land reform in Kao Gan gave each

peasant land amounting to 2.75 mou per family member, landlords included. The poorest peasants received farm implements which had been confiscated from the landlords. Today, out of 2,500 cultivatable mou, 2,200 is worked by the cooperative.

A walk through this prosperous village led first to the land being plowed for wheat. A modern thresher arrived from Czechoslovakia and used by 5 different villages turns out 45,000 pounds a day in Kao Gan.

Jao Kuo-shun, a hired hand without any land before liberation, is now the director of the cooperative farm. His wife is the leader of the production department of the cooperative. Their 6-year-old girl is in the village kindergarten and when she reaches 7 she will attend the new village primary school. Both Jao and his wife for the first time in their lives are learning to read and write by going to night school. On the plot of land in front of their newly-built cottage they have more than 30 chickens which supply the family with far more eggs than they can eat. Recently, they bought three oxen, some pigs and ducks.

Looking about Kao Gan one is immediately struck by the cooperative store. From the stock on hand, the purchasing power of the peasant is clearly seen, and it is immeasurably higher than any ordinary peasant's dream in the days of Chiang Kai-shek. There is a wide range of goods from shoes to shirts, notebooks to beer, and cooking oil to gaily colored cotton cloth. Eggs sell for less than 3 cents each, and as we passed the stacks of large round bean cakes which are now sold for fertilizer Jao smiled wryly and remarked that before liberation people ate them when they had the price.

The spurt in buying power is apparent at the cloth counter where a steady rise in demand for multicolored cloth has been replacing orders for single colors such as blue. The clerk said that if 4 people were able to afford colored cloth right after liberation then 50 can today. Purchases of cloth with designs during 1952 quadrupled those of 1951, he told me.

The cooperative farm at Kao Gan is a growing concern. Going from house to house, many of them newly built, all had glass windows and some were double glazed. This was unheard of before when paper was used to keep out the bitter cold of a northeast winter. Jao had to go off on some business and I went into different peasants' homes at random and all showed a newly-found prosperity; light and heavy clothing for all seasons had replaced the traditional tattered rags of the past and neatly-piled new bedding revealed the end of former poverty. Evidence of the nationwide health campaign was everywhere, not just on the main street but inside and around the houses as well. Public lavatories, unheard of in a preliberation village, have been built and are kept clean. Signs throughout Kao Gan stressed the need for proper sanitation.

Things which the Chinese peasants must have dreamed of for so long are here: a tractor and a threshing machine at work in the fields. For their children there is the new primary school which was built by all the people of the village in their spare time after the government advanced funds and material. Now there are 115 children in the school and the new nursery for children whose mothers are at work in the fields is in a newly painted and renovated building which a landlord once used to store grain collected from the peasants.

Before liberation most youngsters worked for the landlords to help the family and there was little chance for schooling. Of the 105 who were of primary school age in those days only 35 went to school in another village. Today, of the 22 Kao Gan children in a nearby school 19 come from former poor peasant or tenant farmer families.

Jao rejoined me and we sat in the afternoon sun outside his tiled-roof cottage munching peanuts, steamed sweet potatoes and hard boiled eggs. He was wearing his everyday work clothes, black jacket and trousers but I noticed there were no patches, the traditional sign of any peasant in the old days.

In swift flowing language he told me many things: Production in Kao Gan has gone up and peasants are buying more carts and horses and life has improved all around; food is plentiful and rice and flour are no longer a rarity on the table. Then shaking his head significantly he said that of the 101 families who had been poor peasants or tenant farmers before liberation over 50 now were equivalent to the former middle peasants while 6 of the former middle peasants were richer than before.

Jao turned toward the fields in front of us and talked of how, out of land reform, mutual-aid teams and now the cooperative have come new ways of doing things. Experiments have been made with different kinds of fertilizers; 36 new wells with mechanical pumps have been dug and the cooperative added 29 cultivatable mou of land to the village. In 1952, 42 percent of the land was cultivated with new tools and during the past summer large quantities of insecticides were bought.

All of this, Jao noted, was impossible for a single farmer and was unheard of before. As he talked, the trend toward more and more group work in the future became evident. The production cooperative farm is the logical development out of the mutual-aid team, and full collectivization will be the logical outcome of the cooperative. Men like Jao had shared bitterness in the past and now they and their families are sharing rich harvest out of the labor they themselves put into their own land.

Canton and its surrounding countryside is about 2,000 miles from the northeast. While the first icy blasts of winter sweep the fields outside of Mukden the peasants here are watching their rich crops being nurtured by a warm sun. The lush green fields, with growing rice and the long slender stalks of sugarcane, have been returned, like the golden wheatfields of the northeast, to those who plow them.

Yu An is a small village southwest of Canton, about an hour's trip by motor launch. The village is part of Si Lung hamlet, which contains 9 villages with a total population of 2,600. Yu An itself has 45 families and, like everywhere over the vast China countryside, most of them were poor peasants or hired hands without land before liberation. Of the total area of 3,000 mou of land in the hamlet, 18 landlords held 1,600 mou.

Li Ming, chairman of the peasants' association, is tall, thin with close-cropped hair on top of a year-round sunburned face. His white undershirt against his brown skin contrasts with his black trousers and unbuttoned peasant jacket as he tells of how the landlords not only exploited the peasants by high rents and usurious loans but also physically mistreated many. There was never enough to eat and wild vegetables were a steady diet. The rich fields were often flooded and nothing was done.

Since liberation repairs on dikes and irrigation systems have helped raise production. For example, Li pointed out, although this area is fertile rice land, before liberation the average yield was a little more than two piculs a mou. Now, peasants are harvesting as much as 7 and 8 piculs a mou. Land reform here has meant 1.2 mou of land per person, including the former landlords who did not run away to nearby Hong Kong.

No matter where one went among China's peasants, the old days meant ignorance and illiteracy; it was part and parcel of the old order. Before liberation, in all of Si Lung hamlet only 100 children were able to go to school. Now nearly 1,000 are attending, including adults who never had a chance before.

In Yu An I walked up the main dirt road running through the village. As far as the eye could see were rice paddies and here and there were patches of sugar ready to be harvested. From the northeast to the south of China I had walked through many fields and seen many different crops, and I also had talked to many peasants. Now I went into one of the small but compact brick homes here in Yu An to talk to someone who had lived here and had seen the old replaced by the new.

Ke Yung is a 51-year-old peasant woman who never married. Her life was the bitter struggle of a woman who for many years worked as a farm laborer with her young niece on whatever landlord's land she could find work. It was a hard life and it is written in her wrinkled face and calloused hands.

She tells something of life before when she went without enough to eat so many times though she toiled long and hard hours every year. Even when there was food it was insufficient and to eat rice on rare occasions was a thing to be remembered, this despite the fact that the whole area was heavy with a rich rice crop. Sweetpotatoes were the staple food.

During the Japanese occupation Ke Yung ate whatever she could: melons, wild grass, "anything I could get my hands on," she said recalling days of actual starvation.

It is a simple matter to ask a peasant how he or she lives today. And in quiet words Ke Yung replies: "Ten times better than before," and goes on to say that now she and her 19-year-old niece have their own 3 mou of land and are raising 28 piculs of rice a year, they have many chickens and the new 5 family mutual-aid team they belong to is constantly helping produce more and increase everyone's worldly goods.

And now Ke Yung and her niece, both of whom never saw the inside of a school before, are studying in the new village night school, learning to read and write. And, Ke Yung adds wryly, times are different now and her niece will not go through life unmarried as she was.

Watching the chickens in front of her newly repaired house, Ke Yung spoke of how she had tried to raise chickens before but gave up because the landlord would take as many as he wanted if he felt so inclined. And in retrospect, looking out into the rice paddies and sugarcane fields, she turned and said: "Today we all eat rice at every meal."

## EXHIBIT No. 188-A

[New World Review, March 1953]

## A PRIVATE BUSINESSMAN IN THE NEW CHINA

SAYS GOVERNMENT HELPS PRIVATE ENTERPRISE WITH LOANS AND RAW MATERIALS,  
EXPLAINS PROFITS, AND TELLS WHAT THE FUTURE HOLDS(By Julian Schuman<sup>1</sup>)

Private enterprise is an integral part of the economy in China's new democratic system. Mao Tse-tung has described it as "an indispensable part of the whole national economy at the present time," and has pointed out that "a development is required of it in all those branches that are beneficial to our national economy."

Much has been made in the Western press of the drive to "wipe out private business" in new China. Watching developments here in China one is amazed at the difference between such reports and reality. The fact is that in three and a half years of liberation China's economy has progressed rapidly, after decades of foreign invasion and a dozen years of aggression and civil war. And as a part of the nation's economy, private industry and commerce has also progressed.

Before liberation, private enterprise was generally in the hands of foreign firms and bureaucratic capitalists—Kuomintang officials and their cohorts. This twin domination prevented industrial development and stifled attempts by private Chinese entrepreneurs, removed from the dominating factions, from growing. The Chinese economy was that of a semicolonial and agrarian country for decades. There was no real heavy industry and light industry was relegated to a few large coastal ports such as Shanghai. The fact that China's economy remained backward for so long is evidence that private capitalism never really developed here.

At the time of the liberation of Shanghai, for instance, business in the nation's largest industrial city was had except for the speculators, hoarders, and black-marketiers. A good many businesses had been forced to the wall, while price fluctuations, raw material shortages, and a sharp decline in markets due to shrinking purchasing power all made for endless difficulties. Chiang Kai-shek's rampant inflation, which saw prices change several times in one day, and the dumping of American goods played no small part in bringing the economy and business to a state of chaos.

Figures on private enterprise before liberation reveal that in Shanghai in 1947, only 582 of the 5,418 big- and medium-sized factories were operating. In other large cities the situation was similar: In Tientsin, in North China, 70 percent of the factories were idle; in Tsingtao, 50 percent, and in Canton, 30 percent.

A stabilized currency and steady commodity prices since liberation have done much to put private industry back on its feet and set it on the road to development. The very existence of private enterprise under a government in which the Communist Party plays a leading role may be startling to people in the West. New China, however, is not yet a socialist society and in its period of new democracy, which its leaders say will last for several decades, the government is relying on private enterprise to play its part along with state enterprises to industrialize China as quickly as possible.

Since liberation most privately owned factories have not only been rehabilitated and reequipped, but in many cases they have been expanded so meet the rising demand for both industrial and consumer goods. Land reform and the growing purchasing power of 400 million peasants in the countryside, around 80 percent of the population, offer a tremendous market.

To meet new China's needs there has been a great deal of investment of private capital. The total value of the output of private industrial enterprises has risen 70 percent since 1949. While 80 percent of heavy industry is nationalized, having been taken over from the Kuomintang bureaucratic capitalists, the remaining 20 percent, and about 70 percent of light industry, is in private hands.

The laws of the land testify to the fact that private industry and commerce in China today are being encouraged. For example, the Common Program, which plays the role of the nation's constitution until one is promulgated, in article 30 states: "The People's Government shall encourage the active operation of all

<sup>1</sup> Julian Schuman is an American journalist who speaks Chinese and has lived in China since 1947. He has written for the Denver Post and Chicago Sun-Times and for a year prior to the victory of the Chinese People's Republic, also served the American Broadcasting Co. He is at present associate editor of China Monthly Review, an American-owned magazine published in Shanghai.

private enterprises beneficial to the national welfare and to the people's livelihood and shall assist in their development." In order to clarify further its basic policy, the government has issued a set of tentative Regulations Governing the Control of Private Enterprise in China. These regulations encourage private investments, guarantee them legitimate return, and fix standards for distribution of profits.

Anyone reading the Chinese press since liberation, has been able to see that private business and commerce is being encouraged and helped by the government. Loans have been granted and large orders placed with private firms—at the time of liberation when so many businesses were on the rocks this was essential. A government bent on wiping out private business does not guarantee development of private enterprise in its very laws.

In present-day China, there is much room for private enterprise. The only kind which cannot flourish is that serving to exploit the Chinese people by imperialism, bureaucratic capitalism, and the landlords. Many establishments of this kind were parasitic, dealing in luxuries, speculation, or extorting excessive middlemen's profits. For the national capitalist, the private businessman who never had a chance to develop before liberation, there is much opportunity.

Pan Yung-gang is a private businessman in new China. His story is not basically different from his counterparts all over the country:

The round-faced man sitting next to me in the hotel lobby in Canton fingered his striped necktie which was knotted between the points of a stiff white collar. As I asked him what I considered the \$64 question, a growing smile around his lips began to broaden and by the time I finished he could contain himself no longer. He let out a hearty laugh, his portly frame shaking in his tan gabardine suit.

"If what you say were true I wouldn't be here talking to you. Moreover, business has improved as a result, and all of us have learned that business today can be carried on profitably without resorting to sharp practices."

This Canton factory owner had given a direct answer to a direct question: "What about the reports in Hongkong and American newspapers that the Chinese Government is bent on eliminating private business, and the Wu Fan movement last spring was the culmination of this drive?" (The Wu Fan movement throughout China was the five antis—antibribery of officials, antitax evasion, antitheft of government property, anticheating on government contracts, and antisearching out of economic information for speculation.)

Pan Yung-gang, 42 years old, is the manager of the Ching Hwa battery factory, one of the largest in China. He owns it with his brother. It was started 25 years ago with about 30 workers. Today, the factory, which turns out products for flashlights, radios, and telephones, has more than 300 workers, more than it had just before the liberation of Canton in October 1949.

From V-J Day until the Kuomintang was driven out of Canton, Pan's factory was just able to keep its head above water. With an influx of foreign imports from nearby Hongkong, a restricted market and a soaring inflation, things kept getting worse. Prices jumped daily.

"To run a business at that time was not easy," Pan said. "Of course there were all kinds of wild rumors about what would happen if the Communists came, but things were so hopeless that most businessmen were ready for any change. As to the rumors, well, many people I knew had good-sized investments at stake and we tried to sit down and examine them rationally. They were really absurd—'all factories and shops would be confiscated,' 'people would have to renounce their families,' 'young girls would be given to old men and old women would be given to young men.'"

Most businessmen were so fed up with the Kuomintang by the time the city was about to be liberated, Pan said, that in many cases management cooperated with the workers who formed their own armed guards to forestall the possible Kuomintang looting of factories which had taken place in other cities.

I asked him to tell me something of what happened immediately after liberation. His factory, he said, at first kept going as usual but by 1950, as a result of a gradually expanding market, capital was needed to increase production. So the Ching Hwa factory got 2 government loans, 1 short-term and 1 long-term.

The chief reason for increased production, Pan related, was the restoration of communications with all parts of the country and the increased purchasing power of the peasants in northeast and north China where land reform had been or was being carried out. Also, by this time, the currency and the economy as a whole had been stabilized for the first time in many years.

Pan listed some production figures: Taking the highest preliberation mark of the factory as 100, production reached 130 in the first half of 1951, went up to 155 in the second half, and by the autumn of last year it was up to 180.

But wasn't he afraid of government competition? The answer was simple: There are two government factories operating in other parts of China but there was no conflict because the demand both in the countryside, where peasant demands are insatiable, and in the cities is far beyond the supply. Production and more production is what the Ching Hwa factory is striving for, Pan said.

"Do you think the Government discriminates against private business?" This time it was Pan who had put the question. Before I could reply, he went on: "Let me put it this way. Before, the Kuomintang and its camp followers had a virtual monopoly on anything foreign firms didn't touch. Except for these people, and hundreds of speculators, there was no real development and legitimate private business was hard put to get along. On top of all this, there was the chaotic currency inflation." Pan paused a moment as if to give me a chance to let this sink in.

"China has a tremendous market inside the country itself," he continued, "and the building up of our country will be on a vast scale. The Government has said very plainly that we national capitalists have an important part to play. We not only get loans, but as in our factory, the Government has helped us get raw materials. I'm not just talking when I say that things are better than ever.

"Recently, the government helped us choose a site to erect a new building. We have worked out our own factory '5-year plan' and we aim to increase production by four times in this period. There will be living quarters and a clinic for the workers, and at the end of the 5 years our building space will be 20 times its present size. Actually, in the entire 25 years we've been operating we were never able to expand in such a way. However, in the last 3 years we've earned enough to be able to set out on such a scheme."

"What about your profits?"

"After taxes, net profits are divided as follows," Pan said: "Ten percent is set aside for reinvestment. Dividends, not exceeding 8 percent annual interest on their investment, are paid to shareholders. Any remaining balance is distributed in the following way: 60 percent in bonuses for shareholders, remuneration for directors, bonuses for supervisors, superintendents, and managers; not less than 15 percent for safety and hygiene; and 15 percent or more for welfare funds and special bonuses for workers and staff members.

"Actually, the level of profits in factories handling government processing orders runs from 10 to 30 percent, and gives a clue to the profits of private enterprise generally. The rate of profit in China today is high in comparison with any capitalist country," Pan said settling back in his chair.

As an afterthought, he said: "You know, there was a conference of private businessmen from all over China held in Peking last summer. The chief purpose was to organize to protect the interests of private business and to help develop its scope."

I had a new question. What about relations with the workers, surely their interests conflict with management in many cases?

"Administration is mainly in the hands of management, but at the same time there are labor-capital consultative meetings where the workers' ideas and demands are brought up. Sometimes there may be great differences of opinion but compromise is always possible. The workers know that their position has changed greatly from before liberation, when management had all the say," Pan's gold-banded wristwatch glittered as he stroked his chin with his left hand.

"At the same time, the workers also know that they have a direct interest in raising production and increasing their efficiency. In fact, the new attitude of both the workers and management here has been shown by our increased production. I must confess that before, we in management probably wouldn't have even listened to a worker who came up with a new working method unless its benefits were so evident and on such a wide scale that we couldn't help ourselves. Now, there have been all kinds of new working methods and dozens of improvements on machines brought forth by our workers."

I still had another "\$64 question": How does it feel to be a capitalist in a society which admittedly is going toward socialism?

Pan's round face broke into a wide smile. "You may be surprised but I personally have no qualms. Before, in the old society, what did we strive for? To make as much money as fast as we could, both for our children and for position. Some of us more for the former, others for the latter. Under socialism there will be no need for either, for the very nature of society will be an orderly one and there will be no need for private enterprise, though I'll still own my personal property."

Pan Yung-gang rubbed his smooth tan chin and went on: "Lest you think I'm being irrational in saying I'm looking forward to a society which will put me out

of business, let me say that although the name will be different my job will still be here. People like myself will be fully qualified to serve as managers and administrators in government factories."

"But how about your profits?" I insisted.

"I won't need them. My children will have no need for inheriting anything from me. They'll all have their own jobs, remember I said that we will be living in an orderly society. And certainly, whatever job I have will be a responsible one."

Pan looked at his watch and I realized I had kept him some time. He said he was glad to be able to talk with me and by way of a final question I asked him about his family.

He has a wife and 3 boys and 2 girls. The eldest boy is studying radio in a technical school in Hankow and the eldest girl is a civilian employee in the air force in Peking. She came to Canton last September to participate in the 1952 national swimming meet and the whole family was very proud of her. The British-made Singer which Pan bought here in 1951 has replaced the jeep he had been using since V-J Day. The auto was waiting outside to take him home, the same house he and his family have lived in for nearly 20 years. It is a western-style house and has 10 rooms, 3 bathrooms and a large garden.

We shook hands as Pan Yung-gang rose to leave. I walked to the hotel door and watched him get into his shiny black car. He waved a final good-bye through the open window as his chauffeur drove off.

### EXHIBIT No. 188-B

[The Nation, September 11, 1954, p. 213]

#### THE CHINA TRADE

#### MILLIONS—OR MIRAGE?

By Julian Schuman<sup>1</sup>

As the British Labor delegation currently touring China has ample reason to know, the Chinese Communists, despite their close political and commercial links with the Russians, make no bones about wanting to trade with the West, including the United States. This is true of the government and of individual Chinese businessmen, for both recognize that if the 5-year plan for industrialization, now in its second year, and the long-range goal of trebling the volume of industry over the next 15 to 20 years are to be achieved or even approached, large quantities of capital goods and raw materials must be imported. Proud as the Chinese are, they are also extremely hard-headed in business dealings, and their slogan has become, "In business we're not mad at anybody."

It has been evident in the last 2 years that the Peking government's ambitious plans for industrialization were making real progress. A great number of new machine-tool factories have sprung up in Shanghai, which was formerly a center of light industry. In Nanking, Hangchow, and Canton, which had very little industry 5 years ago, small and even fairly large plants are turning out electrical appliances, telephone and telecommunications equipment, lathes, burlap bags, and numerous other articles China never used to produce. The most highly industrialized area is still Manchuria, where Japanese-founded industries have been greatly expanded. On a trip to Mukden late in 1952 I saw a factory the Japanese had built to produce tanks turning out lathes, planes, and other machine tools on a mass basis. Thirty percent of the equipment was American and British left over from Nationalist days, 45 percent had been imported from Russia and Czechoslovakia, and 25 percent had been made in China under the new regime. Simultaneously, the development of industries in the vast, thinly populated northwest is getting under way. While China experts far removed from the scene will tend to doubt it, the Chinese foresee that this area will eventually become an industrial base even larger than the northeast is at present.

The British, who have kept their diplomats and businessmen in China, have taken a long hard look at the situation. They admit that foreign ownership of railroads, public utilities, coal mines, and factories in China is a thing of the past, but they believe that the opportunities for trade are greater than ever. I knew a British businessman in Shanghai who was planning to return to England to join

<sup>1</sup> Julian Schuman spent 6 years in China as a journalist, 3 of them as associate editor of the China Monthly Review of Shanghai. He left China last winter.

a business house engaged in trade with China. He had spent nearly 25 of his 38 years working in China in a number of British firms and confidently predicted a further upsurge in British trade as soon as the Korean question was settled. At the same time, like other of his countrymen, he was aware of the growing West German competition. "Some American officials," he said, "have been waxing eloquent about British 'blood trade,' but there has been no mention of the fact that West German exports to Red China jumped to more than 20 million American dollars in the 1953 January-November period. Imports from China went up from around 15 to more than 30 million."

A Chinese import-export man in Shanghai whose firm has been dealing chiefly with southeast Asia since the United Nations embargo went into effect in 1951 summed up the prevailing opinion of the China market: "It's true only a small part of American foreign trade in the last 20 years has been with China, but this must be viewed in the context of a China in the grip of civil war, militarily a war zone, politically divided, economically graft-ridden, and dominated to a large extent by the Japanese. Whether Americans like it or not, changes are going on. The 12-year runaway inflation, when speculation largely replaced investment and commercial activity, is at an end. New factories are going up, attempts are being made to modernize farming methods, mines and oil wells are being opened, powerplants are being built. All this calls for materials, for both building and operating."

Before Chiang Kai-shek's defeat in 1949, oil products, cotton and rayon textiles, food and tobacco were China's chief imports. In 1946 such items accounted for nearly 57 percent of the total value of imports. Industrial equipment and machine tools accounted for less than 3 percent. China's annual trade deficit averaged United States \$153 million between 1926 and 1946 and in 1946 rose to nearly \$500 million. These figures are based on government reports.

Since the beginning of 1950 the situation has changed drastically. In that year, according to Peking statistics, China achieved a favorable balance in foreign trade for the first time in 70 years. In addition its imports had become very different, though exports remained largely the same. In 1950 iron and steel goods formed 11.3 percent of imports, machinery 8.3 percent, rubber 11.5 percent, rolling stock and ships 3.3 percent, automobile tires 1.1 percent. This meant that even before the nationwide industrialization plan got under way nearly half of China's imports were directly connected with industrial needs. Since 1950 China's trade with both the Russian bloc and the West has shown a continuation of this trend.

It is claimed by Chi Chao-ting, general secretary of the official China Committee for the Promotion of International Trade and a member of the board of directors of the Bank of China, that "the United States-inspired embargo and blockade measures failed to create difficulties for China economically." On the contrary, says Chi, who did graduate work in the United States and held a high post in the Nationalist Bank of China, "China's foreign trade has continued to grow. The expansion is the result of the shift in the direction of China's trade—toward the Soviet Union and Eastern Europe. In 1950 trade with these countries constituted only 26 percent of China's total foreign commerce. In 1951 it rose to 61 percent, and by last year it was over 70 percent."

The Chinese realize, however, that their plans for rapid industrialization make it impossible for these countries to satisfy their needs. And they know that the United States could help supply the almost insatiable market they hope will be created by their present capital construction—the market for farm machinery, food-processing equipment, trucks, drilling machinery, sawmills, dredges, chemicals, powerplant equipment, locomotives and rails, and so on. Their failure to develop trade with America has forced them to look to West Europe and Japan for needs not met by Russia and its satellites. In the second half of last year China signed commercial agreements with French, British, Japanese, and Indonesian trade groups in Peking. More recently officials in the Bonn Government have come out strongly for more trade with China.

China can export tungsten, coal, antimony, tin, mica, manganese, and some other minerals, eggs and egg products, hides, tung oil, soy beans, pig bristles, and handicraft articles. Official Chinese trade circles have pointed out that minerals exports can be greatly increased by the development of the virtually untapped northwest and southwest. Judging by already explored deposits, China ranks fourth in coal resources. In 1937 it produced 70 percent of the world's antimony, 37 percent of its tungsten, and ranked fifth in the output of tin.

While not an important item in the trade with the West, smuggling through Hongkong provides China with some of the goods it wants from the United



States. I knew a Chinese in Shanghai who bought a number of 1953 De Sotos in Hong Kong and brought them across the border. British businessmen in Hong Kong told me that American firms also engaged in such clandestine trade, chiefly through their subsidiaries in Japan. Another charge going the rounds is that even Formosan firms trade with the mainland. It is a fact that the majority of late-model automobiles in China today are American. The Chinese calmly admit that despite the extra cost they are cheaper than Russian cars. Most new trucks, however, are of Russian or Czechoslovak manufacture.

Because of the embargo a good portion of the goods involved in recent deals with Britain, West Germany, France, Japan, Belgium, Italy, and Switzerland has not been forthcoming, though the British and Japanese have succeeded in getting some items removed from the banned list. Meanwhile, West European businessmen who have come to China have made it clear they are biding their time until a Korean settlement is arrived at and the embargo ended.

Americans with whom I have discussed the possibility of trade with China are concerned about its political implications. "How can we be expected to help Red China industrialize?" they ask; on the other hand, "perhaps large-scale trade with Peking would help win the Chinese away from the Russians." They also want to know how the Chinese would pay. The Chinese say they prefer barter, but they do have gold and foreign currency and have been known to use it for goods they thought essential. If trade should develop, the question of credits to the Chinese would naturally arise. A typical Chinese reply to the question of payment is, "Well, the British, Germans, and French are not in business for their health and they seem to have found a way to get paid." This, of course, is not a complete answer to Americans, who can reply that the goods China can sell to Europe are not really needed by us.

How large Western trade with China will become in the immediate future is difficult to estimate. But it may occur even to a very skeptical American businessman that should China develop into the huge market its spokesmen foresee he may some day find himself out in the cold as a result of having let others get in ahead of him.

Mr. MORRIS. Now, Mr. Schuman, were you a Communist when you wrote all those articles?

Mr. SCHUMAN. I do not—I am going to decline to answer that question on the privileges granted me by the fifth amendment.

Mr. MORRIS. You say you came into the port of San Francisco in 1953?

Mr. SCHUMAN. Yes.

Mr. MORRIS. Do you recall the month?

Mr. SCHUMAN. It was December.

Mr. MORRIS. December.

Do you remember, shortly thereafter, meeting a family named the Kerners in San Francisco?

(The witness consulted with his attorney.)

Mr. MORRIS. The name is William Kerner.

Mr. SCHUMAN. Yes; I did.

Mr. MORRIS. Who were the Kerners?

Mr. SCHUMAN. Well, I was a casual acquaintance. I am more sure now than I was when we discussed this, that he had either been at Yale University in 1946 or early 1947, at the time I was studying Chinese, and that is before I went to China, and he was not in my particular class.

There were different classes. I believe I met him there, and I knew that he was in San Francisco and when I got there I called him up, as I called up any number of people in San Francisco that I had known.

Senator WELKER. Mr. Schuman, what has caused your memory to brighten in the last hour? Anything that you recall?

Mr. SCHUMAN. I would say that I gave it some more thought.

Senator WELKER. You gave it some more thought. An hour ago you told me in executive session that you did not know whether you knew Mr. Kerner or not.

Mr. SCHUMAN. I think—he could have been one of the chaps who was up at Yale the time I studied Chinese. There were any number of people.

Senator WELKER. But now you recollect you knew him so well that you called him as soon as you disembarked.

Mr. SCHUMAN. I wouldn't say I knew him so well. I think I called people even if I did not know them so well.

Senator WELKER. Well, did you just call up Mr. Kerner—

Mr. SCHUMAN. Not the day I got there.

Senator WELKER. All right. I want to find out, please. Don't get angry at me.

Mr. SCHUMAN. I am sorry.

Senator WELKER. Did you call him up some time after you arrived?

Mr. SCHUMAN. Yes.

Senator WELKER. And what did you visit about?

Mr. SCHUMAN. Nothing in particular.

Senator WELKER. Well, can you recall anything he said to you or anything you said to him?

Mr. SCHUMAN. (No response.)

Mr. MORRIS. Well, Mr. Schuman, you stayed overnight—

Senator WELKER. Just a minute, Mr. Morris. I had a question.

Mr. SCHUMAN. This is almost 2 years ago, and, what did he say to me—well, I cannot recall.

Senator WELKER. Didn't you say you stayed all night with him?

Mr. SCHUMAN. Judge Morris said.

Senator WELKER. Well, would you say you did not stay all night at his home or his apartment?

Mr. SCHUMAN. I did.

Senator WELKER. Very well.

Mr. SCHUMAN. But this man is dead now. I don't quite see why all this—

Senator WELKER. Very well; but you are not, though—are you?

Mr. SCHUMAN. I hope not.

Senator WELKER. You knew him so well, then, that you went out to his home and stayed all night with him?

Mr. SCHUMAN. Well, I wouldn't say you have to know a person so well. It so happened that I was in a strange city and I was staying a few days, and then I was going on to New York and I needed a place to stay and I was short of funds, as a matter of fact, and he offered me a couch in the living room. I don't see anything sinister about that.

Senator WELKER. I do not say that word; you are saying "sinister"; I have not said "sinister", but I want to interrogate a little bit about that, now.

You called him. Did you tell him you were out of money or short of funds when you talked to him on the phone?

Mr. SCHUMAN. I can't recall.

Senator WELKER. You don't recall any conversation that took place while you were out in the Kerners' home, while you enjoyed their hospitality that you so richly needed?

Mr. SCHUMAN. Well, I—

(Witness consults with his attorney.)

Mr. SCHUMAN. Well, one thing.

He had some records, music. I don't now remember, but there was a Danny Kaye record which his kids liked a lot, and he was quite anxious to play it for me.

And we talked—then he asked me about China. I think anyone who met me when I first got back asked me about China—and, at least, we talked about his children, or rather, he talked about his children. I met them. And, aside from that, I frankly cannot remember anything specifically.

Senator WELKER. Well, you have done pretty well, sir. An hour ago you did not remember him to the point of identifying him, and now you recall you played Danny Kaye's record.

Mr. SCHUMAN. He played it.

Senator WELKER. He played it, and he enjoyed it, and so did the children.

Now, were you a member of the Communist Party when you visited his home that night?

Mr. SCHUMAN. I will have to plead under the privileges granted under the fifth amendment. I believe this question has been asked a number of times.

Senator WELKER. Well, I will ask it again—and I cannot recognize the first amendment; you are taking the fifth?

Mr. SCHUMAN. That is right.

Senator WELKER. Very well.

Did you have any discussion with Mr. Kerner with respect to Communists in China when you visited that evening?

Mr. SCHUMAN. No; I would say that the only conversation we had was regarding what I had seen, what I saw in China, and what I thought about China.

Senator WELKER. All right; thank you.

Proceed, counsel.

Mr. MORRIS. Well, as a matter of fact, Mrs. Kerner was the literature director of the San Francisco Communist Party, was she not?

Mr. SCHUMAN. This I don't know.

Senator WELKER. Very well, you have answered.

Mr. MORRIS. Did you meet Richard Gladstein at that time? His residence was 2114 Baker Street, San Francisco; was it not?

Mr. SCHUMAN. I am not sure I remember Baker Street.

Mr. MORRIS. All right. Did you meet Mr. Gladstein? He was one of the defense counsel in the trial of the 11 Communist leaders.

Mr. SCHUMAN (after consulting his attorney). Did you say he was a lawyer?

Mr. MORRIS. Yes, Mr. Gladstein.

Mr. SCHUMAN. I can't recall meeting him.

Mr. MORRIS. Well, did you meet Theodore Weltfort? Did you meet him at Menlo Park, Calif., there?

Mr. SCHUMAN. How would you spell that name, please?

Mr. MORRIS. W-e-l-t-f-o-r-t.

Mr. SCHUMAN. W-e-l-t-f-o-r-t?

Mr. MORRIS. That is right.

Mr. SCHUMAN. I don't remember, I don't. The name doesn't mean anything to me, Theodore Weltfort?

Mr. MORRIS. Yes.

Senator WELKER. Did you meet anyone other than the Kerners there this evening we were talking about?

Mr. SCHUMAN. Oh, that particular evening?

Senator WELKER. Yes.

Mr. SCHUMAN. I met Mrs. Kerner.

Senator WELKER. Anybody else?

Mr. SCHUMAN (after consulting his attorney). There were probably a couple of people that dropped in—a couple of people did drop in but I honestly don't even remember their names.

Senator WELKER. Very well.

Mr. MORRIS. Then you came to New York from San Francisco, did you not?

Mr. SCHUMAN. I went to Los Angeles and then went to New York. I also stopped off at Denver and Chicago.

Mr. MORRIS. Did you go, on February 19, 1954, did you go to the home of Maud Russell?

Maud Russell, Mr. Chairman, was the witness before this Committee last week, as you know.

Mr. SCHUMAN. I decline to answer, under the privileges granted me by the fifth amendment.

Mr. MORRIS. Now, have you been doing any lecturing at all, Mr. Schuman?

Mr. SCHUMAN (after consulting his attorney). I will have to decline on the first—

Mr. MORRIS. You decline to tell the committee?

Mr. SCHUMAN. That is right.

Mr. MORRIS. On what grounds do you refuse to answer?

Mr. SCHUMAN. I decline on the ground of free speech under the first amendment and since the committee does not recognize this amendment, I must decline under the privileges granted me by the fifth amendment.

Senator WELKER. Now, they are all the amendments you want to take?

Mr. SCHUMAN. Well, some Senators could stand reading the fourteenth amendment.

Senator WELKER. And you want to take the fifth amendment, do you not, Mr. Schuman?

Mr. SCHUMAN. That is right. Now, you asked about some others—

Senator WELKER. Well, I just wanted to be sure that I could rule properly.

Mr. SCHUMAN. I think the fifth amendment is a very fine one.

Senator WELKER. I have no doubt of that, that you do think so.

Now, Mr. Schuman, you stated to counsel a moment ago that after you left San Francisco you went down to Los Angeles. How did you get down to Los Angeles?

Mr. SCHUMAN. Took the train.

Senator WELKER. Southern Pacific?

Mr. SCHUMAN. I don't know—

Senator WELKER. I mean—

Mr. SCHUMAN. Well, I don't know. I mean this was—

Senator WELKER. I don't want to argue with you or confuse you, but—

Mr. SCHUMAN. I would say probably it was the Southern Pacific. Is there any other line?

Senator WELKER. There are a couple of airlines.

Mr. SCHUMAN. No. I know it was the line which is noted for making a big loop like this [indicating].

Senator WELKER. How long did you stay in Los Angeles?

Mr. SCHUMAN. About a week.

Senator WELKER. About a week?

Mr. SCHUMAN. That is right.

Senator WELKER. Where did you stay in Los Angeles a week?

Mr. SCHUMAN (after consulting his attorney). I would decline to answer that on the grounds of the fifth amendment.

Senator WELKER. Do you decline to answer where you stayed in the beautiful city of Los Angeles for a week, upon the ground that a truthful answer might tend to incriminate you?

Mr. SCHUMAN. I don't believe a truthful answer would incriminate me.

Senator WELKER. Very well now. You are taking the fifth amendment, though, aren't you?

Mr. SCHUMAN. That is right.

Senator WELKER. All right. After you stayed in Los Angeles a week you went to Denver, is that correct?

Mr. SCHUMAN. That is correct.

Senator WELKER. How long did you stay in Denver?

Mr. SCHUMAN. I believe I stayed one night. I stayed long enough so I could go up to the Denver Post, a paper I had previously written articles for.

Senator WELKER. And how did you get from Los Angeles to Denver?

Mr. SCHUMAN. By train.

Senator WELKER. Well, I will not ask you what railroad train. I know that you don't know these.

Mr. SCHUMAN. I do not.

Senator WELKER. So, after leaving Denver, where did you go?

Mr. SCHUMAN. Chicago, to look up a paper I worked for.

Senator WELKER. And how long did you stay there?

Mr. SCHUMAN. I believe one or two nights.

Senator WELKER. One or two nights there?

Mr. SCHUMAN. It could have been three, but—

Senator WELKER. Well, I don't think it makes much difference. You went on the train from Denver?

Mr. SCHUMAN. That is right; I went all the way back to New York by train.

Senator WELKER. Notwithstanding the fact that you were so short of funds that you had to and did accept the hospitality of Mr. Kerner, to sleep on his couch in his front room—where did you get the money to go to Los Angeles and from Los Angeles to Denver and from Denver to New York?

Mr. SCHUMAN. I don't think that that is in the province of this committee, to ask that.

Senator WELKER. And you don't want to answer. Well, you are going to answer, and I am ordering and directing you to answer.

(Mr. Schuman consults with his attorney.)

Senator WELKER. You are the one that opened up this subject matter, and I am going to interrogate you about it.

Mr. SCHUMAN (after consulting his attorney). It was my own money.

Senator WELKER. Yes. Well, did you get any additional money after you left San Francisco?

Mr. SCHUMAN. No, sir.

Senator WELKER. Well now, do you want this committee to believe that you visited this man that you scarcely knew—an hour ago, you could not recall definitely whether you knew him or not—and yet you have testified before this committee that you accepted the couch to sleep on because of your shortage of funds; and then you went on the railroad train from San Francisco to Los Angeles where you stayed for a week; you took the fifth amendment as to where you visited or what you did there; and then you went from there to Denver, Colo., and from Colorado to New York City—now, is that your testimony?

Mr. SCHUMAN. That is my testimony, and despite the insinuations you make about this money, the fact is that I had funds to get home on. I was being very frugal about it.

Senator WELKER. Well, as a matter of fact, you had funds with which you could have bought a bed in San Francisco, too, didn't you?  
(No response.)

Senator WELKER. You had ample funds to buy or rent a room in San Francisco, but you had a particular reason you wanted to stay with Mr. Kerner, didn't you?

Mr. SCHUMAN. Oh, I wouldn't say I had a particular reason. The only reason is he offered me hospitality, I did not go——

Senator WELKER. Go ahead.

Mr. SCHUMAN. Well, for example, I stayed at the YMCA.

Senator WELKER. Yes.

Mr. SCHUMAN. Which is the cheapest place I could find.

Senator WELKER. I have stayed there many times—a wonderful place.

Mr. SCHUMAN. If I had known anyone in Chicago I might have stayed at their homes, too. I don't think that this is worth while.

Senator WELKER. Well, maybe you don't. You are the man who opened it up, and I have gone into it, and maybe I will go into it a little further.

Now, after your staying all night with Mr. Kerner in San Francisco, did you see anyone else in San Francisco?

Mr. SCHUMAN (after consulting with his attorney). I will have to decline to answer the question, Senator.

Senator WELKER. Did you see John W. Powell or Sylvia Powell there?

Mr. SCHUMAN (after consulting his attorney). Yes, I saw them.

Senator WELKER. Now that you have told me that you saw them, you have opened up the subject matter as to who you saw in San Francisco. Now, will you tell me who else you saw and everyone you saw there?

Mr. FAULKNER. Mr. Chairman——

Senator WELKER. Now, Mr. Counsel, you just remember your place here, and we are going to get along, and when your client wants to talk to you, he has a perfect right to.

Mr. FAULKNER. Except that interpretation, I think, is not correct.

Senator WELKER. Well, I will do the cross-examining, if you please. (The witness consults with his attorney.)

Mr. SCHUMAN. Could you repeat the question?

Senator WELKER. Read it back.

(Question read.)

Mr. SCHUMAN. I will have to decline to answer that on the fifth amendment.

Senator WELKER. You decline to answer that on the fifth amendment?

Mr. SCHUMAN. Yes; the privileges granted me under the fifth amendment.

Senator WELKER. Very well.

Mr. MORRIS. Just one more question.

You did know the daughter and the wife of Harry Dexter White, Mr. Schuman?

(The witness consults with his attorney.)

Mr. SCHUMAN. Yes, I did.

Mr. MORRIS. Well, they were Socialist friends of yours?

Mr. SCHUMAN. You asked—you said "daughter"?

Mr. MORRIS. Daughter and widow.

Mr. SCHUMAN. May I give you the whole story?

Mr. MORRIS. I am asking if she was a Socialist.

Mr. SCHUMAN. Yes; was a Socialist.

Mr. MORRIS. All right; I will accept that.

Mr. Schuman, are you a Communist today?

Mr. SCHUMAN. Again, I believe I decline to answer that.

Mr. MORRIS. All right.

Were you a Communist when you acted as correspondent in Red China?

(The witness confers with his attorney.)

Mr. SCHUMAN. I will have to decline.

Senator WELKER. Have you ever been a member of the Communist Party?

Mr. SCHUMAN. Again, I will decline to answer under the fifth amendment.

Mr. MORRIS. Mr. Schuman, were you a Communist when you were a cryptanalyst at Vint Hills Farm, Va., in the United States Army?

Mr. SCHUMAN. Well, I believe, Senator Welker just asked me if I ever was, and I declined to answer that.

Mr. MORRIS. Well, were you at that time? This is an entirely different question, Mr. Schuman.

Senator WELKER. No. I asked if he had ever been a Communist, so I think the witness is correct, and that I took in the whole waterfront.

Mr. MORRIS. Well, Senator, I would like to know.

Senator WELKER. Very well.

Mr. MORRIS. At that particular time.

Senator WELKER. Very well.

Mr. MORRIS. If he was a Communist when he was at Vint Hills Farm, at that time, Senator, and the reason I think it is important is that at that time the United States Army was conducting a highly classified operation there, and I would like, for the purpose of this series of hearings, I would like to know whether he was a Communist while he was undertaking that training with the United States Army.

Senator WELKER. Very well; you may ask the question. I think he did answer it to me, but I will let you ask the question again.

(The witness confers with his attorney.)

Mr. SCHUMAN. Well, I would like to say, in order to get that job in the Army as a cryptanalyst, I, to the best of my knowledge, and I believe this statement [indicating document] bears it out, I was thoroughly investigated and it seems to me that if the proper agency doing the investigating at that time had found that out, they wouldn't have given me it.

Senator WELKER. That is not a responsive answer.

Mr. SCHUMAN. Well, to me.

Senator WELKER. It is not responsive to the question "Were you a Communist when you were down at Warrenton, Va.?" in the words put to you by the counsel. Now, you tell me.

Mr. SCHUMAN. I will have to decline to answer that under my privileges under the fifth amendment.

Senator WELKER. Does that satisfy you, Counsel?

Mr. MORRIS. Yes.

Were you a Communist when you were an undergraduate at City College?

Mr. SCHUMAN. I decline to answer, on the same grounds.

Mr. MORRIS. One more question.

Did you know a Chinese Communist named Chi Chao-Ting?

Mr. SCHUMAN. If you have the characters, it would be easier.

Mr. MORRIS. I don't know the Chinese characters too well. It is spelled C-h-i C-h-a-o—

Mr. SCHUMAN. C-h-i C-h-a-o; what is the next name?

Mr. MORRIS. And it is C-h-a-o-T-i-n-g.

You have written about him in your articles.

Mr. SCHUMAN. C-h-a-i? I have never written about a C-h-a-i.

Mr. MORRIS. Show that to him [indicating document].

Mr. SCHUMAN. Well, I would like to see it. C-h-a-i?

Mr. MORRIS. C-h-a-o.

Mr. SCHUMAN. No; the first name.

Mr. MORRIS. C-h-i. Dr. G, they called him, Dr. G., I believe.

Mr. Chairman, for the purpose of the record, Dr. G was a person who is now shown to have been a Chinese Communist, who was very active in the United States for a long period, was a close, intimate friend of many people who have been the subjects of our hearings, and is now a Chinese official in Soviet China, and the witness today has written about that man, and I am trying to determine whether or not this witness did have any actual dealings with Dr. G.

Mr. SCHUMAN. No, I did not have any dealings with him.

Senator WELKER. Did you know him?

Mr. SCHUMAN. I did not know him.

Senator WELKER. Did you know a man by the name of William Hinton prior to the war in China?

Mr. SCHUMAN. I decline to answer.

Senator WELKER. You what?

Mr. SCHUMAN. I decline to answer that question.

Senator WELKER. Had you seen him since he came back to the United States?

Mr. SCHUMAN. I will have to decline.

Senator WELKER. You have to decline—

Mr. SCHUMAN. On the privileges granted me under the fifth amendment.



Senator WELKER. Have you heard any of his lectures in any part of the United States?

(The witness consults with his attorney.)

Mr. SCHUMAN. I will have to decline that on the fifth amendment.

Senator WELKER. Do you know what Mr. Hinton is doing in the United States?

(The witness consults with his attorney.)

Mr. SCHUMAN. Do you mean what work is he doing, or——

Senator WELKER. Yes; how he makes a living, whether he is teaching or driving tractors, or what.

(The witness consults with his attorney.)

Mr. SCHUMAN. I will decline to answer that question.

Senator WELKER. Very well.

Mr. MORRIS. Were you ever publicity agent to General Li Tsung-yen?

Mr. SCHUMAN. Not really, but I know about this story, and I would like to say that I was one of a number of American correspondents who his particular political adviser tried to make an impression on, in order to get a good press in this country.

I was not the only correspondent that wrote about him, and that is the extent of my dealings with him.

Mr. MORRIS. I have no more questions.

However, I would like to put in the record Mr. Schuman's articles that appeared in the Denver Post.

Senator WELKER. That is the letter from the Denver Post?

Mr. MORRIS. That is right; indicating the articles written by Mr. Schuman.

Senator WELKER. Very well.

(The document referred to was marked "Exhibit No. 189" and is as follows:)

EXHIBIT No. 189

THE DENVER POST,  
Denver 1, Colo., October 26, 1954.

MR. BENJAMIN MANDEL,  
Washington, D. C.

DEAR MR. MANDEL: Check of the Denver Post library shows the following clippings on file for articles contributed by Julian Schuman to this newspaper: November 14, 1948, November 28, 1948, December 5, 1948, December 13, 1948, January 29, 1949, January 30, 1949, March 13, 1949, May 8, 1949.

My own unsigned interview with Schuman was January 23, 1954.

The articles above-mentioned can probably no longer be had in original, but photostats could be made at moderate cost. This is a rather routine procedure with the library, I believe.

In haste, but with regards,

RANDALL GOULD.

Senator WELKER. Mr. Schuman, and you, Mr. Faulkner, I want to thank you very much for appearing before this committee, and you are excused from your subpoena.

Call the next witness.

Mr. MORRIS. Saul Mills.

Senator WELKER. Mr. Mills, will you rise and be sworn?

Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILLS. I do, sir.

**TESTIMONY OF SAUL MILLS, GLEN OAKS, NEW YORK, N. Y.;  
ACCOMPANIED BY HAROLD CAMMER, ESQ., HIS ATTORNEY**

Senator WELKER. Will you state your name and address?

Mr. MILLS. My name is Saul Mills. My address is 370-05 76th Avenue, Glen Oaks, New York City.

Senator WELKER. Counsel, will you identify yourself for the record?

Mr. CAMMER. Harold Cammer, 9 East 40th Street, New York 16, N. Y.

Senator WELKER. Proceed, counsel.

Mr. MORRIS. Mr. Mills, where were you born?

Mr. MILLS. I was born in New York City.

Mr. MORRIS. In what year?

Mr. MILLS. In 1910.

Mr. MORRIS. Have you been a journalist in the early days of your life?

Mr. MILLS. Yes, sir; I was, in the early days of my life, 8 or 10 years.

Mr. MORRIS. Will you tell us roughly what your journalistic career was?

Mr. MILLS. I started as a copy boy on the AP, and later on the UP, and then worked on the Long Branch, (N. J.), Record for a short period; and then the Long Island Press; and thereafter the Brooklyn Eagle, and the Standard Union, and the City News Association.

Mr. MORRIS. And then, after that, you worked for the Transport Workers Union?

Mr. MILLS. After, I worked for several unions. I worked for the American Federation of Musicians and the Transport Workers Union, and a couple of other unions; I worked—for a short period I was publicity man, and I was on my own, representing 3 or 4 different unions at a time.

Mr. MORRIS. Now, when did you work for the Greater New York Industrial Union Council?

Mr. MILLS. I became secretary of the Greater New York Industrial Union Council in 1940.

Mr. MORRIS. And when did you first work with trade unions?

Mr. MILLS. Oh, I would say it was about 1936.

Mr. MORRIS. So, from 1936 to 1940, you worked for various trade unions?

Mr. MILLS. Yes.

Mr. MORRIS. Including the Transport Workers Union? That was one?

Mr. MILLS. That was one; yes, sir.

Mr. MORRIS. What others?

Mr. MILLS. Well, the State, County and Municipal Workers, and the Office Workers—and I guess that is about it—I worked for a while for the Paper & Sulphite, A. F. of L., I think, just a short period.

Mr. MORRIS. Will you tell us what the Greater New York Industrial Union Council of the CIO was?

Mr. MILLS. The council is the central body of the CIO unions in the Greater New York area. The local unions were affiliated with the council, and elected delegates.

Mr. MORRIS. How many members composed that particular council?

Mr. MILLS. You mean the number of delegates, sir?

Mr. MORRIS. No; how many union members?

Mr. MILLS. Oh, the unions affiliated with the council represented, oh, about 500,000 members in the area, at the time.

Mr. MORRIS. And you had the job of secretary or secretary-treasurer?

Mr. MILLS. I was executive secretary-treasurer.

Mr. MORRIS. And how long did you hold that position, Mr. Mills?

Mr. MILLS. From 1940 until November 1948.

Mr. MORRIS. And in 1948 the Greater New York Industrial Union Council lost its charter, did it not, Mr. Mills?

Mr. MILLS. That is correct, by action of the National CIO executive board.

Mr. MORRIS. Mr. Mandel, do we have anything in the record to show the action on the part of the CIO at that time, with respect to this council?

Mr. MANDEL. I have before me the New York Times, November 21, 1948, an article entitled "New York Council Expelled by CIO as Slavish to Reds." The first paragraph reads:

By a vote of 38 to 5, the national executive board of the Congress of Industrial Organizations today found the Greater New York CIO Council guilty of slavish adherence to the line and dictates of the Communist Party and revoked its charter as of this date.

The article goes on to state that the investigating committee found as follows:

The committee deems it to be most significant that, in the above situation, the Greater New York CIO Council was closely following the line of the Communist Party. This was more than coincidental. President Quill of the Transport Workers Union directly testified that leading officials of the Communist Party, including Eugene Dennis, John Williamson, and Robert Thompson, in a meeting attended by the secretary-treasurer of the Greater New York Council, dictated the interference by the council with the bargaining program of the Transport Workers Union.

Mr. CAMMER. Mr. Chairman, I object to the photographs being taken now; I want that to be postponed, I object to taking pictures during testimony.

Senator WELKER. I didn't hear your objection. What was the objection?

Mr. CAMMER. I was objecting to the photographing; I object as interrupting the testimony.

Senator WELKER. Very well, I don't want to interrupt the witness. Now, will you pose for your photograph, and let them go back to work.

Mr. CAMMER. Very well.

(Photographers were accommodated.)

Mr. MORRIS. Mr. Chairman, I would like to have that whole article go into the record at this time.

Senator WELKER. So ordered.

(The article referred to was marked "Exhibit No. 190" and reads as follows:)

[The New York Times, November 21, 1948]

## EXHIBIT No. 190

## NEW YORK COUNCIL EXPELLED BY CIO AS SLAVISH TO REDS

NATIONAL EXECUTIVE BOARD, BY VOTE OF 38 TO 5, UPHOLDS ALL FINDINGS OF 3-MAN INQUIRY—TO TAKE OVER PROPERTY—HOLLANDER IS ADMINISTRATOR TO CLOSE AFFAIRS—DURKIN SAYS VERDICT IS ACCEPTED

By Lawrence E. Davies

Special to The New York Times

PORTLAND, OREG., November 20—By a vote of 38 to 5, the national executive board of the Congress of Industrial Organizations today found the Greater New York CIO Council guilty of "slavish adherence" to "the line and dictates of the Communist Party" and revoked its charter as of this date.

The board instructed Louis Hollander, president of the New York State CIO Council, which brought the original charges, to take over books, funds and property of the convicted council in the role of administrator for the national CIO.

The executive officers of the CIO are to determine when a charter shall be granted to a new council covering the same geographical jurisdiction and are to prescribe the time and the rules for the election of its officers. All local unions of CIO affiliates in the Greater New York area were urged by the board to apply for affiliation with the new council.

This stunning defeat for the left-wing faction of the CIO was accepted as final and no appeal will be taken to the floor of the CIO convention here next week, according to James Durkin, president of the Greater New York Council.

He said that he and his associates denied all the charges, including that of bowing to Communist Party dictation, but that the decision would be accepted in the interest of unity.

The five votes against the verdict of guilty and the charter revocation were cast by Joseph Selly, president of the American Communications Association; Ben Gold, president of the Fur Workers; Morris Pizer, president of the Furniture Workers; Robert Weinstein of the Public Workers, and Mr. Durkin.

Several abstained from voting, including Donald Henderson, president of the Food, Tobacco and Agricultural Workers, and William Lawrence of the International Longshoremen's and Warehousemen's Union, here to represent Harry Bridges, president of the dock workers.

By a process of elimination, it was deduced that the other abstainers were Albert J. Fitzgerald, president, and Julius Emspak, secretary-treasurer, of the United Electrical Workers, one of the unions blacklisted by the Atomic Energy Commission. Neither Mr. Fitzgerald nor Mr. Emspak spoke during the discussion, which at this time was heated.

Michael Quill of New York, president of the Transport Workers Union and until early this year president of the Greater New York Council, and Samuel J. Hogan, president of the Marine Engineers Beneficial Association, were absent, having been delayed on a train by a snowstorm.

The other absentee in the 51-member board was Hugh Bryson of San Francisco, president of the left-wing Marine Cooks and Stewards Union, who is engaged in negotiations with west coast shipowners.

Mr. Quill and Joseph Curran, president of the National Maritime Union, both of whom formerly were associated with the left-wing factions in their unions, were leaders in preferring the original charges against the leaders of the Greater New York Council in a communication to Philip Murray, president of the CIO, late in September.

The executive board in its 4½-hour session accepted and approved all of the findings and recommendations of a 3-man investigating committee headed by L. S. Buckmaster of Akron, president of the Gas, Coke and Chemical Workers, and Joseph Froesch, president of the Federation of Glass, Ceramic and Silica Sand Workers, which heard testimony at a 2-day meeting in Washington last month.

"Upon the basis of the hearing before said executive board committee and upon the basis of the hearing before the executive board of the CIO," a resolution adopted by the board stated, "the executive board finds and concludes:

"That the Greater New York CIO Council directly and contrary to instructions from the national CIO and from the international unions concerned, interfered in the affairs of these international unions.

"That the Greater New York CIO Council does not represent and is not capable of serving the CIO membership in the Greater New York area.

"That the Greater New York CIO Council has brought discredit upon the national CIO by the slavish adherence of the council to the line and dictates of the Communist party.

"And that the Greater New York CIO Council has flagrantly disregarded and acted contrary to CIO policy, to the CIO constitution and to the CIO rules for industrial union councils."

The resolution went on to provide:

"That Louis Hollander is hereby appointed and designated by the president of the CIO and by this board as the CIO representative to take custody of all property and funds and to wind up all the affairs and business of the Greater New York CIO Council, and that the said Louis Hollander, the CIO representative hereby appointed, shall apply and use the funds and property and wind up the affairs and business of the Greater New York CIO Council, subject to the supervision and approval of the president of the CIO."

While right-wingers on the board were hailing the decision as a precedent for a fight down the line on the Red issue, Mr. Durkin told reporters:

"We deny all the charges. We did not interfere with the international unions. There was absolutely no Communist Party dictation to the council. On the question of CIO policy, if opposing increases in fares and utility rates is opposing CIO policy that's news to us and we plead guilty.

"We believe it is unfortunate that that case came up and that this decision was made. It doesn't help in raising wages and in repealing the Taft-Hartley law.

"However, we shall accept the decision, turn over the funds and property, and we won't make an appeal to the convention. We are abstaining from an appeal in order to get the CIO at the convention on the course of fighting on real issues such as the protection of workers and try to eliminate these internal struggles that don't help the workers."

Asked whether all of the unions represented in the Greater New York area would affiliate with the projected new council, Mr. Durkin said they "would decide whether to join."

Saul Mills, executive secretary of the council, is arranging to meet promptly with Mr. Hollander, who is a vice president of the Amalgamated Clothing Workers, to carry out the board's decision and turn over the council's books, funds and property.

Mr. Murray, in announcing the decision, described the session as "orderly," although some of the members said the debate had been sharp at times.

Referring to the spirited denunciation of Communists which Mr. Murray indulged in at a closed session earlier in the week, a reporter asked:

"Did you deliver any more blasts against the leftwingers?"

"I never deliver blasts," Mr. Murray replied.

Members of the investigating committee, aided by Mr. Curran, "carried the ball" in the executive board meeting for adoption of the committee report in full.

The greater part of the minority opposition came from Messrs. Durkin, Mills, Selly, and Weinstein, who pursued the unity theme in their discussion.

The charges of interference of the Greater New York Council in affairs of international unions were specific as to the United Retail, Wholesale, and Department Store Employees of America, the Transport Workers Union of America, and the Utility Workers Union of America.

The investigating committee, in its findings of interference with the first-named union, stated:

"In fact, the officers of the Greater New York CIO Council have made the council an instrument of attack upon this international union. Specifically, on July 15, 1948, the Greater New York CIO Council sponsored a 2-hour mass picketing of Gimbel's Department Store in New York City, ignoring the express request made by the president of this international union and the vice president and director of organization of the national CIO to desist from any such demonstration.

"Again, on July 29, the Greater New York CIO Council, through its officers and employees, participated in a mass picketing demonstration held in front of the Oppenheim-Collins Department Store in New York City despite the express and prior request and instructions from the United Retail, Wholesale, and Department Store Employees of America and the national CIO to refrain from planning or participating or assisting in such demonstration.

"Here, too, the international union and its affiliated local was under contract with this employer and in this situation the international union and its affiliated local was then negotiating a new contract to take effect upon the expiration of the existing one."

The committee deemed it of great significance that the council "which in the two cases above acted with such alacrity in sponsoring unauthorized demonstrations and picket lines" had "failed to manifest any concern whatsoever or to exercise any effort to prevent or to assist in preventing members of the same international union from seceding from the CIO."

#### AS TO TRANSPORT UNION

With respect to the Transport Workers Union, the committee stated that the Greater New York Council interfered with the international's effort to achieve "an essential wage increase for its members." The council, according to the findings, "arrogated to itself the power to dictate to the Transport Workers Union the position which this union should take in respect to its bargaining program."

The committee stated that "similarly," the Greater New York Council had "injected itself in a proceeding before the Public Service Commission of New York against the position being taken by the Utility Workers Union of America." This involved "an application by the Edison Co. to obtain a relatively minor adjustment."

"The committee deems it to be most significant that in the above situation," its findings continued, "the Greater New York CIO Council was closely following the line of the Communist Party."

"This was more than coincidental. President Quill of the Transport Workers Union directly testified that leading officials of the Communist Party, including Eugene Dennis, John Williamson and Robert Thompson, in a meeting attended by the secretary-treasurer of the Greater New York CIO Council, dictated the interference by the council with the bargaining program of the Transport Workers Union. The officers of the council attempted to deny President Quill's statement."

"The sequence of events, however, and the very actions taken by the council lead the committee to give credit to President Quill's testimony and to discredit the denials of the council's officers."

"It seems apparent that the opposition by the council to the 10-cent fare in New York City and to the bargaining program of the Transport Workers Union was part and parcel of an overall plan dictated by the Communist Party to embarrass Mayor O'Dwyer and his administration in New York City and to enhance the program of the Communist Party."

The council's "slavish adherence" to the Communist Party line, the committee asserted was "evident" from its "failure" to assist "in the fight against the secessionist movement" affecting the United Retail, Wholesale and Department Store Employees of America, a union headed by Samuel Wolchok.

"It is plain from the evidence at the hearing that the Communist Party is actively involved in support of this secessionist movement," the report added. "The record is replete with additional evidence showing that the Communist Party directly influences the action of the Greater New York CIO Council as presently constituted. The officials of the council were unable at the hearing to refer to a single instance where the city CIO policy has recently differed from that of the Communist Party. Even in their statements before the committee, the council's officers faithfully parrot positions taken by the Communist Party."

"We are forced, in this connection to conclude that the Greater New York CIO Council, as presently constituted, is acting not as an agency of the CIO, not as a vehicle to help organize the unorganized, not as a genuine trade-union body, but rather for all intents and purposes as an instrumentality through which the Communist Party is interfering in the affairs of the CIO and its unions in New York City."

The summary alone of findings and recommendations of the investigating committee, exclusive of a thick volume of testimony, took up 13 mimeographed pages, mostly double-spaced. The resolution adopted by the board filled more than three pages.

Mr. MORRIS. Now, do you remember, Mr. Mills, that in 1945—

Mr. MILLS. Mr. Chairman, might I have the opportunity to make some comments on that article?

Senator WELKER. You may.

Mr. MILLS. It is not correct. The article does not represent the true facts.

Such a charge was made. The findings of the national CIO board did not relate to that particular charge or allegation. The findings of the national executive board related to another charge, the fact, or the charge, rather, was that the council had interfered in the jurisdiction and the prerogatives of the international unions, the relationship between the local unions in New York City and the council, and the testimony of Mr. Quill was refuted categorically at the hearings, and it is unfortunate that the New York Times does not see fit to put in the refutation. The article is wholly incorrect.

Mr. MORRIS. Mr. Mills, do you recall a delegation of Chinese trade unionists coming to the United States in 1945?

Mr. MILLS. Yes, sir.

As I recall it, Judge, they came to the U. N. organizational meeting in San Francisco.

Mr. MORRIS. These were Chinese Communists that came to the U. N. organizational meeting in San Francisco?

Mr. MILLS. Well, wait a minute. Let me explain.

As I recall, sir, some of them later came on to New York City and the mayor of the city of New York received them in the city hall, and invited a number of prominent people in the city, including labor representatives, of which I was one—and I do recall meeting some of them at city hall, in the city of New York.

Mr. MORRIS. That is the only place you ever met them?

Mr. MILLS. Yes, sir.

Mr. MORRIS. Did you appear officially before the Trade Union Commission of the Communist Party at that time, in connection with this visit?

Mr. MILLS. No, sir; I don't recall any such animal.

Mr. MORRIS. Or the Trade Union Commission of the Communist Party?

Mr. MILLS. I don't recall appearing anywhere in respect to this visit except meeting the Chinese delegates, and there were several of them, in city hall, in the mayor's office.

Mr. MORRIS. Well, now, do you know the building at 50 East 13th Street and 35 East 12th Street?

Mr. MILLS. It is in New York—

Mr. MORRIS. It is in New York; Communist Party headquarters.

Mr. MILLS. Oh, I do; 35 East 12th, that was the address of the Daily Worker, and we sent releases there.

Mr. MORRIS. Have you ever been there?

Mr. MILLS. Have I ever been there? I do recall one visit to the offices of the Daily Worker in respect to some newspaper release, the same as I visit other newspaper offices for publicity, for various unions.

Mr. MORRIS. Then your testimony is that you were there only once?

Mr. MILLS. My testimony is that I recollect being there only once, in the Daily Worker office.

Mr. MORRIS. When was that?

Mr. MILLS. Oh, I don't know, Judge. It may have been in the late thirties or early forties, but I do recall visiting that office once.

Mr. MORRIS. Well, would you deny then categorically that you attended the Daily Worker conferences on the editorial policy of the Daily Worker toward the CIO?

Mr. MILLS. I most certainly deny that categorically. I never attended any editorial conferences of the Daily Worker or any other newspaper.

Mr. MORRIS. That is a categorical denial?

Mr. MILLS. That is a categorical denial.

Mr. MORRIS. Now, was Mary Kaufman your secretary during the time that you were the general secretary of the CIO Industrial Union Council?

Mr. MILLS. I don't recall anybody—being my secretary?

Mr. MORRIS. Mary Kaufman.

Mr. MILLS. My secretary?

Mr. MORRIS. Well, do you know of a Mary Kaufman?

Mr. MILLS. The name is vaguely familiar. She may have been employed, we employed there several people, we had bookkeepers, we had secretaries and stenographers and switch operators.

Mr. MORRIS. Do you know a man by the name of Hal Simon?

Senator WELKER. Wait a minute, let us get the record straight on this Mary Kaufman. Do you recall her?

Mr. MILLS. The name is familiar, she may have been employed there, but I don't recall her being my particular secretary.

Senator WELKER. You don't recall her as a bookkeeper or anywhere else, but the name is familiar?

Mr. MILLS. The name is vaguely familiar.

Senator WELKER. Well, I wanted to find out what the answer to the question was. I didn't want to leave it with the question pounded up in the air.

Mr. MILLS. No. Well, if she was my secretary I think I would remember.

Senator WELKER. Very well, proceed, counsel.

Mr. MORRIS. Do you know a man named Hal Simon?

Mr. MILLS. Hal Simon at one time was a delegate to the council from the United Electrical Workers.

Mr. MORRIS. Was Hal Simon your Communist Party contact in 1945?

Mr. MILLS. I don't know what kind of question that is. I had no Communist Party contact in 1945 or any other year, nobody ever came to me as a Communist Party contact, sir.

Mr. MORRIS. Well, Mr. Mills, did you attend a meeting of the Communist Party leaders including Earl Browder on November 20, 1942?

Mr. MILLS. November 20, 1942—that day has no particular significance to me and, as I told you in executive session, I attended many meetings and many people and there could have been Earl Browder—but I don't remember what I was doing in November—what was that date?

Mr. MORRIS. November 20.

Mr. MILLS. November 20, 1942—and I don't know whether you could tell me what you were doing on November 20, 1942.

Senator WELKER. Now, will you just quit arguing, Mr. Witness, and we will get along fine.



Mr. MILLS. I am trying to be respectful, but I resent that kind of a question.

Senator WELKER. I know; you have been a very fine witness, and I am going to do everything I can to keep you a fine witness.

Mr. MILLS. Well, I have a great deal at stake here, and I don't want to be smeared.

Senator WELKER. Well now, I hope that you will give the Committee the benefit of the fact that we are not here trying to smear you. I think that your able counsel knows much better than that, if you don't, that that is not the province of this committee and that is the last thing that we will do, but we are seeking facts and if you were quieter and more level, I am sure that we will get along finer and faster and better. Proceed.

Mr. MORRIS. On how many occasions did you meet with Earl Browder?

Mr. MILLS. Judge, I didn't meet with Earl Browder. As I told you in executive session, in my capacity as secretary of the CIO and the nature of the work that I was doing then, I attended many meetings of different groups of different kinds of different organizations and it is conceivable, very well so, that Mr. Browder was present at 1 or 2 or 3. I don't know.

Mr. MORRIS. But you cannot tell us, Mr. Mills, approximately how many occasions you met with Earl Browder?

Mr. MILLS. I did not say I met with Earl Browder.

Mr. MORRIS. Well, did you ever meet him, Mr. Mills?

Mr. MILLS. Personally, no.

Mr. MORRIS. Well, did you ever attend a meeting with him? That is what I mean.

Mr. MILLS. I met him at meetings. I was introduced to him, but I have never had a personal meeting with him, if that is what you are trying to say.

Mr. MORRIS. I don't mean that you and he sat down together, but did you attend meetings at which Earl Browder was present?

Mr. MILLS. During the war, it is quite conceivable and quite probable that there were such meetings with Mr. Browder present. We were working with all groups.

Mr. MORRIS. Did you attend a meeting on July 23, 1940, of the Political Bureau of the Communist Party?

Mr. MILLS. 1940?

Mr. MORRIS. Yes; July 23, 1940, of the Political Bureau of the Communist Party.

Mr. MILLS. I don't recall attending a meeting of the Political Bureau of the Communist Party in any year.

And I don't recall what I was doing in July 1940.

I do recall that was about the time, I think that the council was established, that is all that I recall with respect to the middle of 1940, sir.

Mr. MORRIS. Well, did you have any discussion with people you knew to be Communist leaders about the formation of the Greater New York Industrial Union Council?

Mr. MILLS. Well, let me say this, sir, with respect to the formation of the Greater New York Industrial Union Council, that was a desire expressed by many CIO unions since the establishment of the original

committee of the Congress of Industrial Organizations, before it was constitutionalized.

That question went on for 7 years, and I had conferences with many CIO officials, many union officials, conferences with John L. Lewis and with Alan Haywood at that time, and we were all discussing the establishment of the CIO Council.

Some were eager for it, some were not so eager—depending on what their own interest was—and the council was finally established in, 1940 and I became secretary, at the request of Mr. John L. Lewis and Mr. Alan Haywood.

Mr. MORRIS. The point is, the question was: Did you discuss the formation of the Greater New York Industrial Union Council with persons that you knew to be leaders of the Communist Party?

Mr. MILLS. I discussed it with many union officials, sir.

Mr. MORRIS. Well, persons you knew to be Communist leaders, were they among them?

Mr. MILLS (after consulting his attorney). There may have been, among the local unions, sir. The CIO at that time did not have a policy of excluding Communists, they were not required, nor did we desire to ask anybody what their political faith was.

Mr. MORRIS. Did you speak at a meeting of the waterfront section of the Communist Party on October 25, 1941?

Mr. MILLS. I don't recall ever speaking before such a body as you describe here. In 1941 I spoke in many meetings. The NMU was part of our organization, the president of the NMU was the president of the CIO Council, and I attended many meetings, many meetings with respect to maritime problems. I have never recalled any of them having been called as "waterfront," such as you describe it.

Mr. MORRIS. Were you the liaison between the Transport Workers Union and the Daily Worker?

Mr. MILLS. You asked me that in executive session, sir, and that is really a ridiculous way to put it, sir.

Mr. MORRIS. Well, will you tell me what is the fact?

Mr. MILLS. I sincerely mean that, sir.

I was a publicity man for many unions, and I was publicity man for the Transport Workers Union, and if you, in that respect, want to call me a liaison between the transport workers and the Daily Worker, you can say the same thing in regard to the New York Times and with regard to the Journal American, in regard to every newspaper and every wire service in the city of New York, because I was liaison with all of them, I sent releases to them, I visited them, I talked to their representatives on the telephone every day and if that is liaison, then I am guilty of being liaison with every newspaper in the city of New York.

Senator WELKER. I think you made the point, Mr. Witness.

Mr. MORRIS. Did you ever picket on behalf of Ferdinand Smith on March 5, 1945?

Mr. MILLS. On behalf of Ferdinand Smith—was that in connection with—

Senator WELKER. What I want to find out, who is Ferdinand Smith?

Mr. MILLS. Oh, Ferdinand Smith; Mr. Smith was the secretary-treasurer of the National Maritime Union.

Senator WELKER. Very well.

Mr. MILLS. It was one of the unions affiliated with our council.

Mr. MORRIS. He was deported, was he not?

Mr. MILLS. I don't know what happened to him, but I do recall that there was a deportation action against him and several other people, including a number of our CIO officials—I think Mr. Potash may have been involved and one or two others—and if that is the incident you are referring to, it is quite possible and probable that the CIO Council properly protested the action taken against the CIO officials.

If we picketed at that time in connection with it, then it is quite possible that I was there.

I don't recall the incident, but I do recall the council's position in protest against the action taken against the CIO people.

Mr. MORRIS. You also protested the deportation at the same time of Gerhart Eisler?

Mr. MILLS. I don't recall protesting the action against Mr. Eisler specifically, if he was in this group I am trying to recall—there was another group of 5 or 6 which were taken over to Ellis Island, and I think that they were on a hunger strike, or something, and it was at that time that the CIO council took action on it, protesting the treatment against these people.

Now, if Mr. Eisler was one of them, I don't recall, I don't recall any action specifically in regard to Mr. Eisler.

Mr. MORRIS. Mr. Mandel, do you have the Daily Worker account of that demonstration?

Senator WELKER. Off the record.

(Discussion off the record.)

Mr. MANDEL. I have here the Daily Worker for March 5, 1948, pages 2 and 10, and the headline reads, "10,000 in demonstration demand freedom for 4."

I will read excerpts from the article and offer it for the record:

10,000 workers yesterday protested the inhuman and illegal detention of the 4 hunger strikers at Ellis Island. At 5:30 p. m., more than 5,000 swarmed round the Department of Justice Building at 70 Columbus Avenue, demanding the immediate release of John Williamson, Gerhart Eisler, Charles Doyle, and Ferdinand Smith.

It also reads:

The vast gathering was addressed at the square by Robert Thompson, State chairman of the Communist Party \* \* \* Among the demonstrators were John Santo \* \* \* and Saul Mills, secretary of CIO.

(The article referred to was marked "Exhibit No. 191" and reads as follows:)

[Daily Worker, New York, March 5, 1948]

#### EXHIBIT No. 191

#### 10,000 IN DEMONSTRATION DEMAND FREEDOM FOR FOUR

By Louise Mitchell

Ten thousand New Yorkers yesterday protested the inhuman and illegal detention of the four hunger strikers at Ellis Island. At 5:30 p. m., more than 5,000 swarmed around the Department of Justice Building at 70 Columbus Avenue, demanding the immediate release of John Williamson, Gerhart Eisler, Charles Doyle, and Ferdinand Smith.

The vast throng, refusing to break up at the end of the picket-line demonstration, staged a spontaneous march, eight abreast, down Broadway, where they were

joined by additional thousands. The marchers filled the heart of the city with their echoing slogans:

Open that Door, Release those Four;  
Out on Bail, Not in Jail;  
We Protest the Illegal Arrest;  
Labor Fights for Civil Rights.

reached Duffy Square at 46th Street, the crowd soared to 10,000 according to the police. It filled the side streets, bogging down traffic for more than 20 minutes. American flags, trade union banners and placards were everywhere.

The vast gathering was addressed at the Square by Robert Thompson, State chairman of the Communist Party; Leon Straus, executive secretary of the Fur Joint Board, and Joseph Cadden, leader of the Civil Rights Congress.

All the speakers hailed the brave efforts of John Williamson, Gerhart Eisler, Charles Doyle, and Ferdinand Smith who are fighting for the civil rights of all Americans.

Among the demonstrators were John Santo and Austin Hogan of Saul Mills, of Transit, secretary of the city CIO; Irving Potash of Fur; Harry Reich of Food; James Lustig of electrical; Bill Michelson of Department Store.

#### WILLIAMSON'S SON IN LINE

Kin of the imprisoned men included Mrs. Gerhart Eisler and Robert Williamson, 10-year-old son of John Williamson.

The young child, shivering in the penetrating cold and slight drizzle carried a placard which read: "I want my dad."

The demonstration was organized by the defense committee for Claudia Jones, Ferdinand Smith, Alex Bittelman, John Santo, Charles Doyle and the Civil Rights Congress and American Committee for the Protection of the Foreign Born.

A joint open letter by the committees to Attorney General Tom Clark demanded that the four men be released on bail and that representatives of interested organizations be permitted to visit them.

A wire to the Ellis Island hunger strikers from the demonstrators read:

"Our demonstration supports your fight for American liberties and pledges support to secure your freedom. Your heroic hunger strike is an inspiration to the entire labor movement."

The open letter to Clark condemned his "unlawful and outrageous misuse of the deportation laws to attack and weaken the unions of the United States.

"You have attempted to destroy and intimidate those unions by arresting their leaders," said the letter, "and you have—in violation of all precedents and constitutional guarantees—ordered that four leaders of the labor movement be held without bail. These men are charged with no crime. They are charged with holding political opinions which differ \* \* \*

Mr. MILLS. On that, if I may, sir, Mr. Doyle—I don't recall his name—but Mr. Doyle was also a CIO official, and I doubt whether the council officially demonstrated, but if the newspaper says I was there, it is quite possible I was there, because I know it was an issue in which the CIO was vitally interested, since there were CIO people involved.

Senator WELKER. The Daily Worker says you were there.

Mr. MILLS. It is quite possible I was there, and I will not deny I was there because I do recall the issue, I do recall the position taken by the CIO.

Senator WELKER. Very well.

Mr. MORRIS. After you finished with the Greater New York Industrial Union Council, you went to Red China, did you not?

Mr. MILLS. Yes, sir; I did.

Mr. MORRIS. Will you tell us about that?

Mr. MILLS. I went on business; I went there on business in connection with the export-import trade. I represented—do you want me to go on?

Mr. MORRIS. Yes; please tell us.

Mr. MILLS. I represented an import-export corporation, and I went there particularly in regard to a number of items, such as bristles and wool and fur.

Senator WELKER. Pig bristles?

Mr. MILLS. Hog bristles. Apparently the nylon, which was being used in the United States at that time for toothbrushes, and so forth, had not proved to be so good, and there was a shortage of bristles and the company was interested in that.

Mr. MORRIS. Well, now, Mr. Mills, would you tell us very briefly about your work in Red China at that time?

Mr. MILLS. My work was very simple, sir. I went from the United States to Shanghai, and from there to Hong Kong, and from there to Tientsin, and then, for a brief while, Peiping, and then I think I—

Mr. MORRIS. Excuse me, Mr. Mills.

When you were in Tientsin, did you live in a house occupied by George Zoobitsky and Henry Kabritz?

Mr. MILLS. Yes; I did.

Mr. MORRIS. Who were they?

Mr. MILLS. George Zoobitsky was the representative of the Seacoast Export Corp. in Tientsin.

Mr. MORRIS. He is a Soviet citizen; is he not?

Mr. MILLS. I don't—my impression, sir, is that he was—I think he was an emigre, originally from Russia, but I think that his family—he came when he was a little boy, as I recall his telling me, during the time of the pogroms, and settled there, and he was the representative there of the company which I was working for.

Mr. MORRIS. How about Henry Kabritz?

Mr. MILLS. The other man worked for another company. I knew very little about him specifically, except these two men shared this house in Tientsin, and that is where I stayed.

Mr. MORRIS. Now, you registered at the Cathay Hotel?

Mr. MILLS. The Cathay Hotel in Tientsin?

Mr. MORRIS. No; at Shanghai.

Mr. MILLS. At Shanghai—it is quite possible. There were several hotels, and I may have been in the Cathay. I don't recall.

Mr. MORRIS. Now, who paid your check there at that Cathay Hotel?

Mr. MILLS. I paid it.

Mr. MORRIS. You paid it personally?

Mr. MILLS. Yes.

Mr. MORRIS. And your testimony is it was not paid by local Communist officials?

Mr. MILLS. No.

Mr. MORRIS. Did you bring mail from Peiping for Anna Wong—

Mr. MILLS. No, sir.

Mr. MORRIS (continuing). Secretary of Madam Sun Yat Sen?

Mr. MILLS. I never met Madam—

Mr. MORRIS. Well, the question was, did you bring mail from Peiping for her secretary—the secretary for Madam Sun Yat Sen?

Mr. MILLS. No, sir.

Mr. MORRIS. Now, when you returned home, did you establish a business with the American Export Corp.—Chinese-American Export Corp.?

Mr. MILLS. The American-Chinese Export Corp., after I returned.

Mr. MORRIS. Now, were you the owner of the company?

Mr. MILLS. No; Fred Field was the owner of it.

Mr. MORRIS. Had you known Frederick V. Field before?

Mr. MILLS. I had known him casually, sir, through the years before I went to America-China.

Mr. MORRIS. Was that company at 51 Pine Street?

Mr. MILLS. Yes.

Mr. MORRIS. Formerly, 152 West 42d Street?

Mr. MILLS. I don't know where, formerly, but the office was at Pine Street at the time I came there.

Mr. MORRIS. Was Field the president of that?

Mr. MILLS. I believe president.

Mr. MORRIS. Was Charles Honig the vice president?

Mr. MILLS. I don't know Charles Honig. My dealings were with Mr. Field.

Mr. MORRIS. And David Drucker was vice president?

Mr. MILLS. I don't recall Mr. Drucker being in the company at that time.

Mr. MORRIS. Was Martin Popper secretary?

Mr. MILLS. Mr. Popper, I believe, is an attorney in New York, and may have been involved in the company.

Mr. MORRIS. I see.

What was Lee Pressman's connection with that firm?

Mr. MILLS. Lee Pressman has no connection with the firm.

Mr. MORRIS. You did have business relations with Lee Pressman about that time, did you not?

Mr. MILLS. Well, Lee, as you know, was formerly counsel for the CIO, and I have known Lee through the CIO, and I had met with Lee before I left for China, and when I came back I saw him again. He is not a member of the company, if that is what you asked.

Mr. MORRIS. You had no business dealings with him at that time?

Mr. MILLS. Business dealings? No; we just had discussions.

Mr. MORRIS. Fred Field gave you two checks during the year 1950, did he not, 1 in the amount of \$4,000, and 1 in the amount of \$2,000?

Mr. MILLS. It must have been more than that, more than a total of \$6,000. It was a total of \$10,000.

Senator WELKER. Maybe I can hurry this matter along.

He gave you 2 checks, or maybe 3 or 4, for a total sum of \$10,000?

Mr. MILLS. That is right.

Senator WELKER. And you were suing him for breach of contract; is that correct?

Mr. MILLS. We were in the business; he had employed me, and we disagreed with respect to a number of money matters, and the way the company was operating, and he put me out, I thought, unfairly, and I sued him and we settled it for \$10,000, and that is what the facts were.

Senator WELKER. Very well.

That covers your question, counsel?

Mr. MORRIS. Yes, sir.

One or two more questions.

Now, have you ever been a member of the Communist Party, Mr. Mills?

Mr. MILLS. No, sir; I have never been a member of the Communist Party.

Mr. MORRIS. Have you attended closed meetings of the Communist Party?

Mr. MILLS. As I explained to you, sir, I attended many meetings, sometimes as many as 10 meetings a day, or 7 or 8, sometimes 3 meetings a night; there were all kinds of meetings, and undoubtedly in that period during the war there were Communists present.

Did I attend a meeting, knowing it was an official meeting of the Communist Party, sir? The answer is "No."

Mr. MORRIS. But it was unofficially a collection of Communists; would your testimony be you knew that?

Mr. MILLS. Pardon me?

Mr. MORRIS. If it was an unofficial meeting of the Communists.

Mr. MILLS. How would I know that?

Mr. MORRIS. Did you know Bella V. Dodd?

Mr. MILLS. Yes, sir; a member of the Teachers Union.

Mr. MORRIS. Did you know she was a Communist?

Mr. MILLS. Only in subsequent years when she made her public statement. I knew her as head of the Teachers Union, and worked with her as such.

Mr. MORRIS. I have no more questions of this witness at this time.

Senator WELKER. All right.

Thank you very much, Mr. Mills, and I thank you, Mr. Cammer, both you and your fine attorney.

And I will say this sincerely, that it has been a pleasure to have you here; we are not here for the purposes of embarrassment, we are here for the purpose of having you give us information that we must have to adequately suggest proper legislation, and you have been, both of you, very fine, and I certainly give you your just praise for that.

Mr. MORRIS. Mr. Chairman, I would like to put some documents into the record at this time.

Senator WELKER. With respect to this witness?

Mr. MORRIS. Yes.

Senator WELKER. Very well.

Counsel will have the opportunity to see those exhibits?

Mr. MORRIS. Mr. Mills, if you and your counsel stay, Mr. Mandel will show you just what they are after the hearing, if you have no objection.

Mr. CAMMER. We have worked these out before; we will have no problem.

Senator WELKER. Very well.

(The documents were numbered exhibits 192 to 198 and read as follows:)

#### EXHIBIT No. 192

House Committee on Un-American Activities Report on the CIO Political Action Committee, March 29, 1944)

#### SAUL MILLS

Saul Mills is secretary-treasurer of the Communist-dominated Greater New York Industrial Union Council. His position in the CIO Political Action Committee is, therefore, a strategic one. According to the Worker, Communist organ, this 34-year-old former newspaperman, is the moving spirit of the largest central body in the CIO "that today gives leadership to an important section of New York's labor movement and through New York to the rest of the country" (Feb. 7, 1943, p. 5, magazine section). The council claims to represent 500,000 workers and 250 local unions. Together with him on the council have been

such well-known Communist wheel horses as Joseph Curran, Ferdinand Smith, Marcel Scherer, Abram Flaxer, and John Santo.

Mills was a charter member of the New York local of the American Newspaper Guild, a Communist-controlled local.

In the early days of the Transport Workers Union, which has been unanimously found as Communist-led by the Special Committee on Un-American Activities, Mills was selected by Michael Quill, union president and Communist-supported councilman of New York City, for the job of handling public relations. The union was at that time conducting a sit-down strike in the powerhouse of the Brooklyn Rapid Transit Co. Mills worked in this capacity until the Greater New York Industrial Union Council was established.

The Worker of February 7, 1943, described in detail how Mills won the confidence of Joseph Curran during the Communist-led east coast seamen's strike in 1936 and was later chosen as secretary of the Greater New York Industrial Union Council where he is serving today.

In 1942, Saul Mills issued the following statement endorsing the National Free Browder Congress arranged for March 28-29, 1942:

"You cannot divorce the Browder case from the political party which he heads. There is no question that Browder and those who are associated with him are a part of the united fighting front of freedom-loving peoples against the Axis. \* \* \* The National Free Browder Congress should be fully supported. The principles upon which our Government was founded \* \* \* are at stake" (Daily Worker, Mar. 9, 1942, p. 3).

Mills thus chose to ignore the record of treasonable activity carried on by the Communist Party and its creature, the American Peace Mobilization, during the period of the Stalin-Hitler Pact. In fact, Mills was a delegate to the meeting of the seditious American Peace Mobilization held in Chicago in September 1940, as a representative of the Greater New York Industrial Union Council.

Following a report submitted by Mills, the Greater New York Industrial Union voted to condemn a pending bill to fine persons found guilty of sabotage on defense work, \$10,000 plus 3 years' imprisonment. The body opposed legislation for recruiting home guard units to defend local war plants and public utilities against saboteurs. It condemned a pending measure to bar Communist radio operators and members of foreign-controlled organizations from American ships and gave "full backing to workers of the Ford Instrument Co., Queens manufacturers of bombsights for the Navy who voted to strike" (Daily Worker, Sept. 28, 1940, p. 3).

In the March 17, 1942, issue of the New Masses, Communist weekly, the publication was highly praised by Saul Mills for its work.

He signed an appeal in behalf of Morris U. Schappes, a Communist teacher ousted from the City College of New York and now serving a term for perjury in Sing Sing Prison (Daily Worker, Feb. 4, 1942, p. 5). In 1940, he signed a letter to the President in behalf of leading Communist prisoners, members of the International Fur and Leather Workers Union (Daily Worker, Nov. 11, 1940, pp. 1 and 5).

Other Communist fronts supported by Saul Mills included the following: National Federation for Constitutional Liberties, United American Spanish Aid Committee, American Committee to Save Refugees, and the New York State Conference on National Unity.

So-called right-wing leaders of the American Labor Party in New York have pointed out that Saul Mills is one of the Communists with whom Sidney Hillman is attempting to carry out his CIO Political Action Committee conspiracy.

#### EXHIBIT No. 193

[The Worker, New York, February 7, 1943; p. 5]

#### HERE'S LOOKING AT SAUL MILLS

It was during the hectic days of the 1936 east coast seamen's strike. Unionists had to meet and defeat provocations of a thousand varieties and to meet their confidence a man had to prove he could be trusted.

Five strikers surrounded a visiting newspaperman at waterfront headquarters. They gave him a head-to-foot searching lookover and then yelled: "Hey, Joe, what about this guy?"

Joseph Curran, president of today's National Maritime Union, came over and took a look at the short, round-faced visitor. "It's O. K., boys," he said.



That was the first time that Saul Mills, now 33 and secretary of the Greater New York Industrial Union Council, biggest CIO city body in the country, met up with Curran, the council's president.

It was the beginning of a working relationship that today gives leadership to an important section of New York's labor movement, and, through New York, to the rest of the country.

Mills was a reporter first, a fellow who used to cover the news that other people made, before he got into the labor movement and began making it himself. He had covered virtually every beat that the metropolitan press thought worthy of assigning a reporter to before he put himself on the other side of the fence where reporters began interviewing him.

He elbowed his way into journalism via a job as copy boy, first at the Associated Press, then at the United Press. He held the jobs while he went to high school but, as newspaper opportunities opened, he let the school drop just a few months before graduation.

The UP let him do his first writing. They made him acting production manager for United Feature Syndicate and, though his job didn't call for it, he knocked out a piece about Charlie Curtis, who later was to become Vice President to Herbert Hoover's presidency.

Papers all over the country that were going along with the Curtis boom, back in 1928, played the story and Mills got his first byline, a byline that got him a job later as a full-fledged newspaperman.

It was at the Long Island Press, out in Jamaica, N. Y., that a managing editor subsequently nodded his head and said, yes, he remembered the Curtis piece and put Mills to work on the paper's small staff.

Once he covered a bus strike and a publicity man for a company took him out into the sticks and showed him an old broken-down, discarded bus. "This is going to make news," the transit company man told him mysteriously. "Wait, till tomorrow."

The next day, the police reporter brought in a hot story. Strikers had burned a bus, it said. It was Mills' first personal experience with an antilabor hoax. He knew the burned bus was the same one the publicity man showed him the night before but he didn't get the full significance of the episode until years later when he himself was up to his neck in the labor movement.

He got into trade unionism via the American Newspaper Guild, the newspapermen's union. He'd been on a half dozen papers and been pushed around plenty by 1933, when Heywood Broun wrote the famous column that started the ball rolling on unionism among the fourth estate.

Mills was on the Brooklyn Eagle then. He was a charter member of the Guild, became editor of the Eagle shop paper and an executive committee member in the shop. And, by the same token, he was an early guild martyr. The Eagle fired him in 1935 for guild activity but the shop wasn't ripe for a show-down fight for reinstatement.

From then on, Mills was launched in the trade union movement. He went back to newspaper work—held down a regular assignment at City News, which serviced most New York newspapers for a time—but cooperation with unions, especially those having trouble, had become his main interest.

When the Transport Worker Union, then just a baby, had its BMT powerhouse sitdown, Mills was called in to handle public relations. Later, from 1937, until the CIO Council was established in 1940, he worked chiefly with Transport and is one of the few close coworkers of President Michael Quill who came through without picking up an Irish brogue.

He was one of the first to see the importance of establishing a centralizing body for CIO unions in the New York area and the Council, which he today guides as secretary, came into existence partly because of his painstaking and persistent efforts.

#### EXHIBIT No. 194

[Daily Worker, New York, November 10, 1947, p. 3]

#### 12,000 BID FAREWELL TO PETER V. CACCHIONE

By Bernard Burton

Twelve thousand persons—Peter V. Cacchione's little people—filed past the casket at the Livingston in Brooklyn yesterday to say a last farewell to their "Pete". From 9 a. m. until 1 p. m. people of all races, creeds and political beliefs

were lined a block away along Schermerhorn Street, waiting in the chill November wind to pay their respects to New York City's first Communist councilman.

When the services began at noon, thousands were disappointed at not being able to get into the hushed, flower-bedecked hall. Police estimated 6,000 waited outside listening to the services relayed over loudspeakers. They waited quietly with bared heads until the rose-covered coffin was carried out by 12 pallbearers.

In the softly lit auditorium men paused at the coffin and choked back their tears; many wept openly. The coffin and the stage were banked with floral wreaths sent by shops, unions, political leaders—all the thousands who had known the fighting Councilman as "Pete," as their close friend.

Cacchione's family was seated at the left of the stage, near the stage. They were the widow, Dorothy and her son, 7-year-old Bernard. His elderly mother Anna Marie was there with 3 daughters, Mollie, Mary and Isabelle, and 2 sons, Michael and Fred.

#### QUIET SOBBING

There was quiet sobbing in the family's corner. Occasionally, sandy-haired, dry-eyed Bernard would walk out and gaze wonderingly at his father, pausing to look at the honor guard of four, and then turn back to the corner.

At noon, Councilman Benjamin J. Davis opened the services for "my closest coworker, my friend, the person who inspired me." He introduced the speakers: Acting Mayor Vincent Impellitteri; Council majority leader Joseph T. Sharkey (Democrat); Council minority leader Genevieve B. Earle (Republican); Representative Vito Marcantonio (American Labor Party); Councilman Michael J. Quill (American Labor Party); Eugene P. Connolly (American Labor Party); Stanley Isaacs (Republican); Edward A. Cunningham (Democrat); State Senate Kenneth Sherbell (American Labor Party); Mrs. Ada B. Jackson; City CIO secretary Saul Mills; UE-CIO district secretary Ruth Young; Furriers Joint Council manager Irving Potash; Gilbert Green for the Communist Party National Board; Communist state chairman Robert Thompson; Brooklyn Communist chairman Carl Vedro; Rev. Thomas S. Harten of the Holy Trinity Baptist Church; Rev. John Moses of the Allen Memorial AME Church, and Mario D'Inzillo of the Garibaldi Society.

#### OTHER COUNCILMEN THERE

Other councilmen present were Charles E. Keegan, Brooklyn Democrat, S. Samuel DiFalco, Manhattan Democrat and William M. McCarthy, Brooklyn Democrat, making a total delegation of 10 from the city council.

Impellitteri, speaking on behalf of Mayor O'Dwyer and the city council, declared "the council has suffered a loss and his wise counsel will be missed." He paid tribute to Cacchione as an "able, conscientious, diligent and courteous member of that body."

Marcantonio, paying to tribute to Cacchione as a "people's leader" and a "champion of progress," said that "so, so many small people will mourn for him." Cacchione, he said, was "an integral part of their living flesh and blood \* \* \* his heart beat with them."

#### STRONG ASSET

Council majority leader Sharkey said that Cacchione's support in the council was always a strong asset. He said that support was always forthcoming on any measure that "was good for the city."

Mrs. Earle, declaring that she had come with "grief in her heart" at the loss of a good "friend and coworker." When Cacchione agreed with her in the council, "I was happy," she said, "When he disagreed, I knew he had his own sincere reasons."

The council minority leader said she would always "remember him with tenderness and understanding." She recalled how Cacchione would always wait for her with his car during bad weather to bring her to and from council meetings.

Councilman Cunningham paid tribute to Cacchione as "a real American, a real representative of his fellow men." The Bronx Democrat paid respect to Cacchione "on behalf of the citizens of our county."

Councilman Quill, who is also president of the CIO Transport Workers Union, said he came as a "representative of working people as well as from the New York City Council." Declaring he was proud to count Cacchione as "among my dearest friends in the council," he said, "Pete did not arise from the people; he arose with them."

"He died in the battle of the common man," Quill asserted. Upon the announcement of Cacchione's sudden death, Quill said the people looked as they did the "day after the announcement of Franklin D. Roosevelt's death"—as they looked after the announcement of the deaths of Sidney Hillman and Fiorello LaGuardia.

Gilbert Green, Illinois Communist chairman, representing the national board, said Cacchione fell in the struggle as "a soldier in the cause of human freedom." He vowed on behalf of Cacchione's comrades in the Communist Party to take "the banner from his hands" to realize Cacchione's dream of a world free from exploitation, a world of happy children, a world of security and peace."

#### PART OF THE PEOPLE

Robert Thompson said Cacchione was "so much a part of his people, the working people, that nothing could touch them without touching him." He was "a fighter of a particular kind, a Communist, Marxist fighter."

"Long after Pete's young son is grown to manhood," Thompson went on, "Pete will be known not just as a people's soldier, but as a soldier of the future, a soldier of socialism."

Mills said that labor will "miss Peter Cacchione as we have missed and shall miss Franklin D. Roosevelt, Hillman, and LaGuardia." Ruth Young recalled the help Cacchione had given in the beginning of her union as well as of other unions.

While mourners continued to move past the casket, and between the brief addresses, Miss Lucy Brown played quietly on a piano offstage. Norman Atkins sang the working class song favorites of Pete: Joe Hill, Peat Bog Soldier and others. Many in the audience nodded to the words of the last song, Beloved Comrade—"beloved comrade, rest \* \* \* the fight will go on \* \* \* our work will just begin \* \* \* our fight will go on until we win."

#### BORNE TO HEARSE

When the speakers concluded the coffin was borne out to the waiting hearse. Included among the honorary pallbearers were Eugene Dennis, William Z. Foster, Henry Winston—all leaders of Pete's party.

The procession to Kensico Cemetery in Valhalla, N. Y., stretched out for a mile, including more than 100 cars. Winston delivered the parting words at the windy knoll where the coffin was lowered to its last resting place.

"We are confident, as you were, dear Pete, in ultimate victory. \* \* \* Sleep well, dear Peter. \* \* \* We will carry out your heritage."

The hundreds at the grave tossed flowers as the coffin was slowly let down. Tearful men and women moved off reluctantly. The gray autumn twilight descended and a cold breeze shook a few lingering brown leaves from nearly bare trees.

[Daily Worker, New York, September 23, 1940]

#### EXHIBIT No. 195

#### CIO COUNCIL SUPPORTS STAND OF ROCHESTER PRO-LEWIS DELEGATES

COUNCIL ALSO ACTS TO SAFEGUARD INTERESTS OF UNION DRAFTEES AND FAMILIES;  
TO ASK LEWIS PROBE STATE CIO SETUP

The Greater New York Industrial Union Council meeting at the Hotel Diplomat, Thursday night, approved unanimously the stand of the pro-Lewis delegates at the Rochester "convention" of the State CIO, after hearing a report of the steamroller methods employed there by the followers of Sidney Hillman.

The report was given by Saul Mills, the council's secretary-treasurer and delegate.

The unanimity at the Greater New York Council stood out in bold contrast to the situation the Hillmanites caused at Rochester. The credentials committee reported that the council's affiliates now number 132 locals and joint boards. Those locals range in memberships of from several hundred to over 50,000 in the transport local.

At the same meeting the New York Council took action on several other fronts stressing its determination to safeguard the interests of the workers in the present war drive. It voted as follows:

## TO AID DRAFTEES

(1) To instruct the executive board to formulate a program designed to assist the unions to safeguard the interests of their drafted members and the families they leave behind, against job loss, discrimination, eviction, dispossession, and other such possibilities.

(2) Full support to the stand of John L. Lewis, who criticized a provision in a defense bill, carrying a fine of \$10,000 and 3 years' imprisonment for sabotage on defense work, because it fails to exempt strikes.

(3) Opposed legislation now being pressed for recruiting of so-called home guard units which it deemed as a potential weapon against labor.

(4) Condemned as a bill aimed against labor a measure pending in Congress prohibiting employment of marine radio operators who are Communists or members of "foreign controlled organizations."

(5) Declared full backing to workers of the Ford Instrument Co., Queens, manufactures of bomb sights for the Navy who voted to strike next Wednesday midnight if the firm persists in its refusal to grant concessions.

## CRITICIZES LAGUARDIA

(6) Sharply criticized Mayor LaGuardia for his sweeping liquidation of the capital outlay budget by his appropriation of only \$1 for city construction work next year.

(7) Instructed its executive board to reach the city's community and civic organizations with a message informing each how the abandonment of all planned city construction will affect the interests of their respective neighborhoods.

The meeting also heard a report of James Lustig, chairman of the council's organization committee, in which he outlined a policy of giving chief attention to organizing workers of the utilities, shipbuilding plants and Western Union.

There wasn't a voice among the more than 200 delegates present that even remotely expressed support for the acts of the Hillmanites at Rochester.

Delegates listened with rapt attention as Mills told of the events at Rochester in chronological order, to his figures on representation from the respective unions, to the undisputed evidence that the pro-Lewis group had nearly 100 delegates above those Hillman's high command rallied.

## CITES THE ISSUE

John Santo, secretary-treasurer of the Transport Workers' Union, said in the discussion on Mills' report that the issue at Rochester was "if the CIO would be wrung into methods that have long been condemned in the labor movement—whether a president of an organization can do as he pleases or will the rank and file have a say."

Santo further told the council that Michael Quill, general president of the TWU, and other presidents of international unions are drawing up a petition to Lewis requesting that the CIO national executive board take up the New York State council situation.

Mayor LaGuardia came in for sharp criticism during the discussion on the capital outlay budget. Mary Ludile McGorky of the hospital workers gave an account of the appalling conditions in New York's cancer hospital and how hope, now shattered, was put upon a planned new cancer hospital.

## EXHIBIT No. 196

[Daily Worker, New York, March 9, 1942, p. 3]

## CITY CIO SECRETARY SAYS BROWDER SHOULD BE FREE

Saul Mills, executive secretary of the Greater New York Industrial Union Council, CIO, said yesterday there are many reasons why Earl Browder should be out of jail and one of these is that "in this period every anti-Fascist is needed in the fight against the Axis."

Mr. Mills, one of the hundreds of prominent trade unionists who have sponsored the National Free Browder Congress, to be held in New York City March 28-29, told the Daily Worker:

"The trade unions have long recognized that the imprisonment of Earl Browder was not a matter of 'technical crime' but an instance of political suppression."

The Greater New York CIO Council, representing a membership of 500,000 workers and 250 local unions, recently unanimously petitioned President Roosevelt to extend executive clemency to Browder.

"You cannot divorce the Browder case from the political party which he heads," Mr. Mills pointed out. "There is no question that Browder and those who are associated with him are a part of the united fighting front of freedom-loving peoples against the Axis. Browder's release would have an excellent effect generally. It would reassure many people as to the sincerity of the cause for which we are fighting and it would cement national unity.

"Labor has and will continue to express itself on the Browder case, urging that the President release him from prison. The National Free Browder Congress should be widely supported. The principles upon which our Government was founded and which have fostered our tremendous growth are at stake."

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#### EXHIBIT No. 197

[Daily Worker, New York, February 4, 1942, p. 5]

#### CIO LEADERS PUSH DRIVE TO AID SCHAPPES DEFENSE

Joseph Curran, president of the National Maritime Union, Joseph P. Selly, president of the American Communications Association, and Ben Gold, president of the International Fur & Leather Workers of America, headed a list of CIO leaders who this week appealed for nationwide support to the defense of Morris U. Schappes.

Schappes, under prison sentence as a result of the infamous Rapp-Coudert persecutions, is appealing his case to the appellate division of the first department. He was convicted of perjury but was granted a certificate of reasonable doubt and is out on \$5,000 bail.

Other CIO leaders who have urged support for the Schappes defense committee whose headquarters are at 13 Astor Place include Daniel Allen, secretary-treasurer of the New York district, State, County, and Municipal Workers of America; Anne Berenholz, organizer of local 16, America; Ted Cox, editor, Cleveland Union Leader; George Curran, field representative, Federation of Architects, Engineers, Chemists & Technicians; Ewart Guinier, president, New York district, SCMWA; Rockwell Kent, president, United American Artists.

Jack Lawrenson, vice president, National Maritime Union; Clifford T. McAvoy, legislative representative, Greater New York Industrial Union Council; Howard McKenzie, vice president, National Maritime Union; William Michelson, manager, local 2, United Department Store Employees Union; Saul Mills, secretary-treasurer, Greater New York Industrial Union Council.

Frederick N. Myers, vice president, NMU; Samuel Nesin, president, local 104, United Retail and Wholesale Employees; Arthur Osman, vice president, United Retail, Wholesale, and Department Store Employees of America; Max Perlow, vice president, United Furniture Workers of America; Abraham Schenck, secretary-treasurer, local 15, Beauty Culturists Union; Ferdinand C. Smith, national secretary, NMU.

John J. Stanley, secretary-treasurer, United Office and Professional Workers of America; M. Hedley Stone, national treasurer, NMU; Leon Straus, manager, Fur Floor & Shipping Clerks Union; Josephine Timms, secretary-treasurer, American Communications Association; and Ruth Young, membership activities director, district 4, United Electrical, Radio & Machine Workers of America.

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#### EXHIBIT No. 198

#### SAUL MILLS

(A list of various activities of Saul Mills, compiled by the subcommittee staff from published documents)

Signed telegram to President Roosevelt urging him to intercede in behalf of four imprisoned officials of the International Fur and Leather Workers Union (CIO). The four imprisoned men were Irving Potash, Joseph Winogradsky, John Vafades, and Louis Hatchios (Daily Worker, Monday, Sept. 11, 1940, pp. 1 and 5).

Listed as one of the CIO leaders who appealed for nationwide support to the defense of Morris U. Schappes (Schappes defense committee) (Daily Worker, Wednesday, Feb. 4, 1942, p. 5).

Writer of statement in behalf of Earl Browder (Daily Worker, Mar. 9, 1942, p. 3).

One of the demonstrators demanding the release of John Williamson, Gerhart Eisler, Charles Doyle, and Ferdinand Smith (the four hunger strikers) (Daily Worker, Friday, Mar. 5, 1948, p. 3).

Listed as one of the CIO leaders who hailed the Daily Worker on its 20th anniversary in January 1944 (p. 61, Special Committee on Un-American Activities, 78th Cong., 2d sess., report on the CIO Political Action Committee).

Member Schappes defense committee<sup>1</sup> (p. 71, Special Committee on Un-American Activities, report, 78th Cong., 2d sess., CIO Political Action Committee).

Assistant campaign director of the Hillman-Communist Committee for a United Labor Party. He "campaigns actively last November for the election of official Communist Party candidates for city council"<sup>2</sup> (p. 79, Special Committee on Un-American Activities, report, 78th Cong., 2d sess., CIO Political Action Committee).

Member Joint Committee for Trade Union Rights<sup>3</sup> (Daily Worker, Nov. 11, 1940, pp. 1-5) (Special Committee on Un-American Activities, report, 78th Cong., 2d sess., p. 154, CIO Political Action Committee).

National committee member Conference on Puerto Rico's Right to Freedom (testimony of Walter S. Steele, p. 134, July 21, 1947, before Committee on Un-American Activities).

Sponsor, Civil Rights Congress; signer of statement in behalf of Communists Earl Browder, Morris U. Schappes, and Communists in the Armed Forces; opposes President Truman's loyalty program; supporter of the following Communist fronts: American Peace Mobilization, Joint Anti-Fascist Refugee Committee,<sup>4</sup> Washington Committee for Democratic Action,<sup>5</sup> Stage for Action,<sup>6</sup> (p. 15, Report on Civil Rights Congress as a Communist-Front Organization, Committee on Un-American Activities, 80th Cong. 1st sess., Sept. 2, 1947.)

Member of initiating committee, Civil Rights Congress,<sup>7</sup> April 13, 1946. His name is listed on a call "To Safeguard Civil, Labor, and Minority Rights in New York" (call to be held April 13, 1946) (program, Civil Rights Congress, April 13, 1946, p. 20, Report on Civil Rights Congress as a Communist-Front Organization, Committee on Un-American Activities, 80th Cong., 1st., Sept. 2, 1947).

Sponsor of a call Urgent Summons to a Congress on Civil Rights (call to be held "in Detroit, April 27 and 28, 1946, to organize an offensive against the rising Fascist aggression in the United States"; p. 23, H. Rept. No. 1115, Civil Rights Congress as a Communist-Front Organization, Committee on Un-American Activities, 80th Cong., 1st sess., Sept. 2, 1947).

Signed petition addressed to President Truman protesting the indictment of 12 Communists (undated newspaper article) (Cvetie exhibit 31, opp. p. 2452, testimony of Mathew Cvetie, hearings before the Committee on Un-American Activities, 81st Cong., 2d sess., Mar. 24, and 25, 1950).

Sponsor of testimonial dinner in honor of Senator Claude Pepper tendered by the American Slav Congress<sup>8</sup> (program dated Sunday October 12, 1947, 6:30 p. m., Pennsylvania Hotel, New York, N. Y.; p. 106, Report on the American Slav Congress and Associated Organizations, Committee on Un-American Activities, June 26, 1949).

<sup>1</sup> Cited as Communist (Attorney General Tom Clark, letter to Loyalty Review Board, released April 27, 1949).

<sup>2</sup> The rightwing leaders of the American Labor Party, namely the State chairman and the State secretary (both of New York) included in their charges against Hillman the above (p. 79, Special Committee on Un-American Activities, report, 78th Cong., 2d sess., CIO Political Action Committee).

<sup>3</sup> Cited as a Communist front which, jointly with the International Labor Defense, supported and defended Communist Party leaders of the International Fur and Leather Workers Union when they were serving prison terms (Special Committee on Un-American Activities, report, Mar. 29, 1944, pp. 125 and 166).

<sup>4</sup> Cited as subversive and Communist (Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948).

<sup>5</sup> Cited as subversive and Communist (Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948).

<sup>6</sup> Cited as a Communist front (California Committee on Un-American activities, report, 1948, p. 392).

<sup>7</sup> Cited as subversive and Communist (Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948).

<sup>8</sup> Cited as subversive and Communist (Attorney General Tom Clark, letters to Loyalty Review Board, released June 1, 1948, and September 21, 1948).

Sponsor, Schappes Defense Committee<sup>9</sup> (undated circular) (McMichael exhibit No. 37; p. 2793, hearings regarding Jack R. McMichael, Committee on Un-American Activities, 83d Cong., 1st sess., July 30-31, 1953).

Sponsor of People's Institute of Applied Religion<sup>10</sup> (letter dated January 1, 1948). (McMichael exhibit No. 39, pt. 2, p. 2812, Hearings Regarding Jack R. McMichael, Committee on Un-American Activities, 83d Cong., 1st sess., July 30 and 31, 1953.) Signed the January 1943 Message to the House of Representatives, opposing renewal of the Dies Committee (undated circular). (Oxnam exhibit No. 18, pt. 7, p. 3665, Testimony of Bishop G. Bromley Oxnam, Committee On Un-American Activities, 83d Cong., 1st sess., July 21, 1953.)

Senator WELKER. The meeting is adjourned.

(Whereupon, at 12:50 p. m., the subcommittee adjourned, subject to the call of the Chair.)

<sup>9</sup> Cited as Communist (Attorney General Tom Clark, letter to Loyalty Review Board, released April 27 1949).

<sup>10</sup> Cited as subversive and Communist (Attorney General Tom Clark, letters to Loyalty Review Board released June 1, 1948, and September 21, 1948.)





# SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

WEDNESDAY, MARCH 28, 1956

UNITED STATES SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION  
OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL  
SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D. C.

The subcommittee met, pursuant to call, at 2:35 p. m., in the caucus room, Senate Office Building, Senator Arthur V. Watkins presiding.

Present: Senator Watkins.

Also present: Robert Morris, chief counsel; William A. Rusher, administrative counsel.

Senator WATKINS. The committee will come to order.

The testimony will bear on the subcommittee's study of the scope and nature of Soviet activities in the United States.

The subcommittee is seeking to determine to what extent organizations other than the Communist Party have been used in the United States by the Soviet Government. One of the witnesses will be Jessie Rubin Kaplan of Brooklyn, N. Y.

Mr. Morris, you may proceed with the testimony and call the witness.

Mr. MORRIS. Mr. Chairman, the first witness will be Mrs. Jessie Rubin Kaplan.

Before we begin the testimony of this particular witness, I would like to introduce for the record, a certificate from Dr. Wolfgang Seligmann, who has advised the committee that the husband of the present witness, Harry Herman Kaplan, who appeared in executive session, testified he has been advised to lead a quiet life, free from worry and stress and anxiety.<sup>1</sup>

And for that reason we have excused Mr. Kaplan from appearing in the open testimony here today. I might point out, Senator, that the purpose of asking Mr. Harry Kaplan to testify was to ask him about the committee's information that when George Mink was arrested—George Mink is an important Soviet agent—was arrested some years ago, he had in his possession the passport of Harry Kaplan, the first scheduled witness for today.

We also wanted to ask Mr. Kaplan about the fact that Leon Josephson, at one time, was in possession of his passport. Now, when

<sup>1</sup> The certificate above referred to reads as follows:

NEW YORK, N. Y., March 24, 1956.

To Whom It May Concern:

Mr. Harry Kaplan, Brooklyn, N. Y., has been under my care since April 1955 for arteriosclerotic heart disease and angina pectoris. His first attack of angina pectoris was in January 1955.

EGG taken in April 1955 showed negative T-waves in leads I, V-5, V-6, and AVL. (No digitalis.) To safeguard Mr. Kaplan's health it is imperative that he lead a quiet life, free from worry, stress, and anxiety.

WOLFGANG SELIGMANN, M. D.

Mr. Kaplan appeared in executive session today, and was asked about this particular committee information, he invoked his privilege under the fifth amendment rather than answer these questions.

However, in view of the fact that the doctor did indicate that he would be better off not appearing in public testimony, and since that was the nature and extent of the success we had with the witness, the acting chairman at that time excused him for further open testimony.

Senator WATKINS. You may proceed.

Mr. RAND.<sup>2</sup> Senator, may I ask that the photographers be directed not to take any photographs during the testimony of the witness?

Senator WATKINS. The request has been made by counsel for the witness that no photographs be taken. Gentlemen, I want you to comply with that request. That is the order of the committee.

You said "while testifying?"

Mr. RAND. I would like no pictures taken at all, but I know these gentlemen have a job to do. But if it is possible I would like that no photographs be taken of the witness.

Senator WATKINS. As I understand the rule—I haven't been here all the time—but as I understand the rule, it is during the time they are testifying that the order goes. That is the way I interpreted it, and there will be no pictures permitted during the time she is testifying.

Mr. RAND. Thank you.

Mr. MORRIS. You are the wife of Harry Kaplan, are you not?

Mrs. KAPLAN. Yes.

Mr. MORRIS. And Harry Kaplan is, today, a real-estate man in New York City?

Mrs. KAPLAN. Yes.

Mr. MORRIS. And for some years he was a businessman in Trenton, N. J?

Mrs. KAPLAN. Yes.

Mr. MORRIS. And, to your knowledge, he testified in executive session today, did he not?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Counsel, you were his counsel today?

Mr. RAND. I appeared as his attorney.

Mr. MORRIS. You know he has been excused from testifying here today?

Mr. RAND. I have been so informed.

Mr. MORRIS. Have you sworn the witness?

Senator WATKINS. I have not sworn the witness for open testimony. Please stand and be sworn.

Do you solemnly swear that the testimony that you are going to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KAPLAN. I do.

### TESTIMONY OF JESSIE RUBIN KAPLAN

Mr. MORRIS. Will you give your address to the reporter?

Mrs. KAPLAN. 1345 East Fourth Street, Brooklyn.

Mr. MORRIS. What is your occupation now, Mrs. Kaplan?

Mrs. KAPLAN. Housewife.

Mr. MORRIS. Where were you born?

<sup>2</sup> Harry I. Rand, Wyatt Bldg. Washington, D. C., Counsel for Mrs. Kaplan.

Mrs. KAPLAN. Poland.

Mr. MORRIS. In what year?

Mrs. KAPLAN. 1906.

Mr. MORRIS. When did you come to the United States?

Mrs. KAPLAN. In 1922.

Mr. MORRIS. When did you become a citizen of the United States?

Mrs. KAPLAN. 1928.

Mr. MORRIS. 1928?

Mrs. KAPLAN. That is correct.

Mr. MORRIS. Will you speak up just a little.

Mrs. KAPLAN. 1928.

Mr. MORRIS. Now, you attended the Columbia School of Journalism in 1925, did you not?

Mrs. KAPLAN. Not regularly; just as an extension student.

Mr. MORRIS. Extension courses?

Mrs. KAPLAN. Yes.

Mr. MORRIS. What was the extent of your education there at Columbia School of Journalism?

Mrs. KAPLAN. Just English.

Mr. MORRIS. For what period of time?

Mrs. KAPLAN. I don't remember, 1 or 2 semesters. I can not recollect at this point.

Mr. MORRIS. Weren't you there off and on from 1925 to 1930?

Mrs. KAPLAN. Perhaps, yes.

Mr. MORRIS. Then you were there for more than one semester?

Mrs. KAPLAN. Yes, off and on. I never finished; never finished a term.

Mr. MORRIS. What other schools have you attended, Mrs. Kaplan?

Mrs. KAPLAN. I was educated in the old country, the girls' school.

Mr. MORRIS. In what schools?

Mrs. KAPLAN. I was educated in the old country in a girls' school.

Mr. MORRIS. In Poland?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Did you have any other education here in the United States?

Mrs. KAPLAN. Business school.

Mr. MORRIS. What business school was that?

Mrs. KAPLAN. It was in the Bronx.

Mr. MORRIS. What was the name of it?

Mrs. KAPLAN. I can't recall at this point. It was a secretarial school.

Mr. MORRIS. You can't remember the name of the secretarial school?

Mrs. KAPLAN. It has been many years ago, counsel.

Mr. MORRIS. Now, did you go to the Soviet Union in 1931?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Will you tell us the circumstances surrounding your visit to the Soviet Union in 1931?

Mrs. KAPLAN. My job with the Amtorg terminated.

Mr. MORRIS. You first worked for Amtorg Trading Corp.?

Mrs. KAPLAN. Yes.

Mr. MORRIS. What was the Amtorg Trading Corp., Mrs. Kaplan?

Mrs. KAPLAN. It was a purchasing agency.

Mr. MORRIS. It was the purchasing agency of the Soviet Government, was it not?

Mrs. KAPLAN. No, it was an American corporation, incorporated under the laws of the State of New York.

Mr. MORRIS. But it was the official, or officially registered purchasing agent for the Soviet Government, was it not?

Mrs. KAPLAN. I don't know how it was registered.

Mr. MORRIS. When did you first take up employment with Amtorg Trading Corp.?

Mrs. KAPLAN. In 1930.

Mr. MORRIS. In 1930. What was the nature of your job with Amtorg Trading Corp.?

Mrs. KAPLAN. Secretary.

Mr. MORRIS. Will you describe your duties with that corporation?

Mrs. KAPLAN. Secretary and translator—translating orders which were to be placed with American concerns.

Mr. MORRIS. How did you get the job with Amtorg?

Mrs. KAPLAN. Through the newspapers.

Mr. MORRIS. Through the newspapers?

Mrs. KAPLAN. Yes.

Mr. MORRIS. You just applied to the Amtorg Trading Corp. and received a job with Amtorg?

Mrs. KAPLAN. Not immediately. I applied and filled out a form and they told me they would let me know. They called me about—probably 6 months passed before they called me.

Mr. MORRIS. At that time were you a Communist?

Mrs. KAPLAN. No.

Mr. MORRIS. Now, how long did you work for Amtorg, continuously?

Mrs. KAPLAN. Two years, before I went to Poland.

Mr. MORRIS. Two years before you went abroad. When did you go abroad?

Mrs. KAPLAN. In 1931.

Mr. MORRIS. Will you tell us the purpose of your trip abroad?

Mrs. KAPLAN. My job was over, and they said if I wanted another one I could work in the Amtorg office in Moscow. That was when the Economic Review was being made up.

Mr. MORRIS. Now, in other words, you went to Moscow in order to work for the Economic Review, which is an Amtorg Trading Corp. publication?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Now, you went there in late 1931?

Mrs. KAPLAN. November or December.

Mr. MORRIS. Will you describe what your duties were with the Amtorg Trading Corp. in Moscow after you arrived there subsequent to November or December of 1931?

Mrs. KAPLAN. We compiled economic data, put it together and sent it to New York, where the magazine was published.

Mr. MORRIS. At that time were you a Communist?

Mrs. KAPLAN. Beg pardon?

Mr. MORRIS. At that time were you a Communist?

Mrs. KAPLAN. No.

Mr. MORRIS. You had access to many Soviet files, did you not, at that time?

Mrs. KAPLAN. Newspapers only.

Mr. MORRIS. Only newspapers?

Mrs. KAPLAN. Newspapers and magazines.

Mr. MORRIS. How long did you stay working for the Economic Review?

Mrs. KAPLAN. Till about—through 1932; through 1932.

Mr. MORRIS. Who paid you for that work?

Mrs. KAPLAN. The Amtorg.

Mr. MORRIS. You were paid regularly by check or cash?

Mrs. KAPLAN. No, in Russian currency.

Mr. MORRIS. In other words, in cash?

Mrs. KAPLAN. Yes.

Mr. MORRIS. And then did you work for the Moscow Daily News?

Mrs. KAPLAN. The Moscow Daily News, at that time was just organized, and I did not have a regular job there.

Mr. MORRIS. Did you subsequently get a regular job with the Moscow Daily News?

Mrs. KAPLAN. In 1934.

Mr. MORRIS. Had you been in Moscow continuously in 1934, or had you come back to the United States?

Mrs. KAPLAN. I came back to the United States.

Mr. MORRIS. Who paid the travel expenses?

Mrs. KAPLAN. I had a return ticket when I left.

Mr. MORRIS. Who paid for those expenses?

Mrs. KAPLAN. I did.

Mr. MORRIS. You, personally, did?

Mrs. KAPLAN. Yes; I bought a round-trip ticket.

Mr. MORRIS. Pardon?

Mrs. KAPLAN. I bought a round-trip ticket when I went.

Mr. MORRIS. Now, didn't the Amtorg Trading Corp. pay your expenses?

Mrs. KAPLAN. No; they just told me I could have a job.

Mr. MORRIS. What salary were you drawing at that time?

Mrs. KAPLAN. In New York I was getting \$150 or \$175—\$150 a month.

Mr. MORRIS. In 1931?

Mrs. KAPLAN. 1930 and 1931.

Mr. MORRIS. Will you tell us if you worked with the Moscow Daily News?

Mrs. KAPLAN. I did, in 1934.

Mr. MORRIS. Will you tell us about your work with that paper?

Mrs. KAPLAN. Yes, I was a reporter.

Mr. MORRIS. You were a reporter, and you worked in Moscow?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Tell us how you operated.

Mrs. KAPLAN. I used to get assignments from the city editor.

Mr. MORRIS. Tell us who the city editor was.

Mrs. KAPLAN. It was a Russian Nationalist.

Mr. MORRIS. Do you remember his name?

Mrs. KAPLAN. I can't. It was 25 years ago.

Mr. MORRIS. I am sure many of the newspapermen today could remember their city editors 25 years ago.

Mrs. KAPLAN. Then they are better qualified than I am.

Mr. MORRIS. You cannot tell us who your city editor was?

Mrs. KAPLAN. It was a Russian Nationalist. I am trying to think of his name. Kalish, or Karlish, a name similar to that.

Mr. MORRIS. Mrs. Kaplan, the Internal Security Subcommittee is trying to determine how some of these Soviet publications, some of these corporations and Soviet agencies operate with respect to the United States, and with respect to American citizens.

Now, you were then an American citizen working in Moscow and we are trying to determine, or one of the things we are trying to do is determine how the Moscow Daily News, operated at that time. I wonder if you would describe briefly the general nature of your assignments and how you carried them out.

Mrs. KAPLAN. In the morning I would report to the city editor and he would give me an assignment. It was never the same from day to day.

Mr. MORRIS. Where would you go on your assignments? Would you go out of the city of Moscow?

Mrs. KAPLAN. No, within the city of Moscow, only.

Mr. MORRIS. Were you restricted in any way on your beat?

Mrs. KAPLAN. No, because I could not go anywhere I wasn't sent. I could only go to the spot where the story was taking place. For that I had to be identified by the newspaper.

Mr. MORRIS. And would you have occasion to show your credentials in connection with your assignments?

Mrs. KAPLAN. Oh, yes. One could not get into a plant or office without showing a press card.

Mr. MORRIS. And your press card, which was given by the Moscow Daily News, did enable you to get in these various plants concerning the stories which you were sent on?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Will you tell us a little more about your assignments?

Mrs. KAPLAN. Well, they varied from day to day. Sometimes I would be sent to a plant, or women's activity, or somebody broke a production record, depending on what the story was. In my job, my contract called for three-quarters of a column a day.

Mr. MORRIS. And how long did you continue working for the Moscow Daily News?

Mrs. KAPLAN. From April 1934 to approximately November 1936.

Mr. MORRIS. November, 1936. And during that period of time you were paid regularly by the Moscow Daily News?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Can you remember what your salary was?

Mrs. KAPLAN. Well, it was piecework.

Mr. MORRIS. Piecework?

Mrs. KAPLAN. Yes, by the column.

Mr. MORRIS. How much did you, on an average, draw from the paper, Moscow Daily News?

Mrs. KAPLAN. About 1,200 rubles a month.

Mr. MORRIS. What is the dollar equivalent of that?

Mrs. KAPLAN. We never translated it into dollars because it was an internal currency which had no value outside.

Mr. MORRIS. And, on 1,200 rubles a month you were able to live comfortably?

Mrs. KAPLAN. Foreigners had special food rations.

Mr. MORRIS. Where did you live, what was your address?

Mrs. KAPLAN. My address was 11 Theatre Square.

Mr. MORRIS. What kind of residence did you have? Was it a private apartment or did you share it with other people?

Mrs. KAPLAN. I just had a little room; not an apartment.

Mr. MORRIS. Was this room part of a large apartment?

Mrs. KAPLAN. No, it was a little separate room with kitchen facilities; that was all.

Mr. MORRIS. And you didn't share quarters at any time with any Soviet citizens?

Mrs. KAPLAN. I don't know who they were.

Mr. MORRIS. And for the most part you associated with Soviet citizens at that time, did you not?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Were there any Americans that you were associated with at that time in Moscow in 1936?

Mrs. KAPLAN. The only ones were those on the newspapers, only the ones that worked on the Moscow News.

Mr. MORRIS. What other Americans were working on the Moscow News then?

Mrs. KAPLAN. Anna Louise Strong.

Mr. MORRIS. Was a woman named Julia Ossabaser working there at that time?

Mrs. KAPLAN. There might have been.

Mr. MORRIS. Did you know Julia Ossabaser?

Mrs. KAPLAN. I know the name.

Mr. MORRIS. You didn't know her in Moscow?

Mrs. KAPLAN. There were two newspapers, Mr. Morris, the daily and weekly. I was on the daily and they were two separate staffs.

Mr. MORRIS. Who were some of the other Americans that worked with you at that time?

Mrs. KAPLAN. Lucy Knox.

Mr. MORRIS. Lucy Knox?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Any others?

Mrs. KAPLAN. Stolar.

Mr. MORRIS. Is that the first name or last?

Mrs. KAPLAN. That is a last name.

Mr. MORRIS. You don't know the first name?

Mrs. KAPLAN. I don't remember; she was a girl.

Mr. MORRIS. Were there any other Americans that you can think of?

Mrs. KAPLAN. I would have to think very hard.

Mr. MORRIS. Did you work for the Paris Soir?

Mrs. KAPLAN. Not directly for the Paris Soir. While I was on the Amtorg staff they had an office there the same as New York Times and other papers. Their man there didn't know the Russian language and he used to come into the Amtorg office and borrow my newspaper clippings.

Mr. MORRIS. Who was he?

Mrs. KAPLAN. A Frenchman.

Mr. MORRIS. What was his name?

Mrs. KAPLAN. I don't know; that was in 1932.

Mr. MORRIS. And what did you do for the Paris Soir? I mean what work did you do?

Mrs. KAPLAN. My job was simply to give him the clippings from the Russian press.

Mr. MORRIS. Then you returned to the United States in what year?

Mrs. KAPLAN. In 1936, Christmas of 1936.

Mr. MORRIS. And did you then return to working with the Amtorg Trading Corp.?

Mrs. KAPLAN. No, I tried to get a job and stay permanently, but I wasn't very successful.

Mr. MORRIS. Then what did you do?

Mrs. KAPLAN. So I went back.

Mr. MORRIS. Went back to Moscow?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Where did you work when you returned?

Mrs. KAPLAN. Moscow News.

Mr. MORRIS. Again for the Moscow Daily News?

Mrs. KAPLAN. I had a contract with them until the end of 1937. So, I made that provision that if I came back they would take me back.

Mr. MORRIS. Then what did you do after that?

Mrs. KAPLAN. After that they closed the paper and told all the foreigners to go home.

Mr. MORRIS. You returned to the United States?

Mrs. KAPLAN. Yes.

Mr. MORRIS. That was in 1937 and 1938?

Mrs. KAPLAN. 1937.

Mr. MORRIS. What did you do then in the United States in 1937?

Mrs. KAPLAN. I was unemployed.

Mr. MORRIS. For how long?

Mrs. KAPLAN. For a very long time; I didn't get a job until September or October of 1938.

Mr. MORRIS. That was with the Amtorg Trading Corp. again?

Mrs. KAPLAN. Yes, I went back there because no one else would have me.

Mr. MORRIS. What did you do at Amtorg Trading Corp.?

Mrs. KAPLAN. I was a translator.

Mr. MORRIS. What were you translating?

Mrs. KAPLAN. Russian specifications into English for placing orders with American manufacturers. Catalogs and such materials.

Mr. MORRIS. You worked with them from 1938 to 1942?

Mrs. KAPLAN. They transferred me to the commission after that.

Mr. MORRIS. In April of 1942, to January of 1943, you took up employment with the Soviet Purchasing Commission with the commission in Washington?

Mrs. KAPLAN. April of 1942 to December 20, 1942.

Mr. MORRIS. What was the nature of your work with the Soviet Purchasing Commission?

Mrs. KAPLAN. Same as in the Amtorg, translating technical terms, and general office work primarily. At that time, lend-lease.

Mr. MORRIS. Lend-lease?

Mrs. KAPLAN. Well, that was the commission's function.

Mr. MORRIS. Now, during this period of time were you a member of the Communist Party?

Mrs. KAPLAN. No.



Mr. MORRIS. Were you meeting with people whom you knew to be Communists?

Mrs. KAPLAN. I did not know of anyone who was a Communist, and the Amtorg made it very clear that they did not want anybody with any political ideas or affiliations in their organization. That was a policy rule.

Mr. MORRIS. In other words, it was the policy of the Soviet Purchasing Commission, as it was with the Amtorg Trading Corp., they didn't want people joining organizations such as the Communist organization?

Mrs. KAPLAN. They don't want anybody who ever had any connection.

Mr. MORRIS. Now, when did you meet Herman Kaplan?

Mrs. KAPLAN. I met Mr. Kaplan New Year's Eve, 1950.

Mr. MORRIS. Oh, I see. That was on the eve of 1950?

Mrs. KAPLAN. It was a New Year's Eve party.

Mr. MORRIS. Was it 1951 about to come in, or 1950?

Mrs. KAPLAN. 1950 was about to come in.

Mr. MORRIS. Now, you worked for the American Red Cross, did you not, from March of 1943 to February of 1944?

Mrs. KAPLAN. That is correct.

Mr. MORRIS. And then what was your next employment after the Red Cross?

Mrs. KAPLAN. The FCC.

Mr. MORRIS. The FCC? Tell us about that job? You say the FBIS, Foreign Broadcasting Intelligence Service comes under the Federal Communications Commission?

Mrs. KAPLAN. It was at that time. Editorial.

Mr. MORRIS. Tell us what it was though, precisely what did you do and also tell us what the Foreign Broadcasting Intelligence Service was?

Mrs. KAPLAN. I don't know too much about its functions.

Mr. RAND. I don't know whether there is any security aspect to this work that Mrs. Kaplan did at that time, but I would like, if Mrs. Kaplan is to proceed, I would like her to proceed with the understanding these proceedings, in response to inquiries by the Committee, and to that extent is permitted, perhaps, to violate some of the security regulations to which she may have been subject at the time.

I don't know whether your inquiries may elicit some security information.

Mr. MORRIS. I think, counsel, it should be apparent from the fact there is a question and answer colloquy going on here that the committee in asking the question assumes the responsibility, if any answers are elicited from her.

Mr. RAND. All right; fine. I appreciate that.

Mr. MORRIS. Tell us what the Foreign Broadcasting Intelligence Service was and what your particular role was in it?

Mrs. KAPLAN. My particular job was to edit copy and expand it into proper English.

Mr. MORRIS. Where did the copies come from?

Mrs. KAPLAN. We used to get them from the chief of the section.

Mr. MORRIS. Of the FBIS?

Mrs. KAPLAN. Chief of the specific section in which I worked.

Mr. MORRIS. What was your section?

Mrs. KAPLAN. My section was the eastern European, and then it was German section. I was switched around; filled in wherever there was a gap.

Mr. MORRIS. Now, your testimony here today is that you received the copy from the editor of the section to which you were assigned?

Mrs. KAPLAN. Yes.

Mr. MORRIS. In one case, the Eastern European section?

Mrs. KAPLAN. Once, yes.

Mr. MORRIS. What did you do with that copy after you received it?

Mrs. KAPLAN. I read it for content and then edited it; put a head on it; step by step description; passed it to the copy desk for stock and then to the editor in chief and my functions ended there.

Mr. MORRIS. How long did you do that work?

Mrs. KAPLAN. About 2 years or so.

Mr. MORRIS. Now, was the FBIS under the FCC all during that period?

Mrs. KAPLAN. I believe it was, until the end of the war.

Mr. MORRIS. Until the end of the war?

Mrs. KAPLAN. Or D-Day.

Mr. MORRIS. What happened after VE-Day? Or after the war?

Mrs. KAPLAN. Someone took it over; I don't know who.

Mr. MORRIS. Was it the Central Intelligence Group, CIG?

Mrs. KAPLAN. That was at the end of my employment when they took it over.

Mr. MORRIS. I see. CIG took over the FBIS?

Mrs. KAPLAN. Yes. They took it over. I did not work too long. I was suspended in April.

Mr. MORRIS. You were suspended by whom, the Central Intelligence Agency?

Mrs. KAPLAN. Yes.

Mr. MORRIS. The CIG is the predecessor of the CIA?

Mrs. KAPLAN. I believe so.

Mr. MORRIS. You were suspended by the CIG?

Mrs. KAPLAN. I don't know who the principal suspender was.

Mr. MORRIS. What have you done since that time?

Mrs. KAPLAN. Oh, I was out of a job for a long time.

Mr. MORRIS. Now, I wonder if you would tell us, Mrs. Kaplan, if you knew a man named Mark Lulinsky, in approximately 1942?

Mr. RAND. If I may interrupt again, I believe Mrs. Kaplan did not give a complete answer to the last question, what had she done since that time. Mrs. Kaplan testified she was out of a job, but she has held employment since then.

Mrs. KAPLAN. With the United Nations. In the year of 1948 I worked for the United Nations.

Mr. MORRIS. What did you do?

Mrs. KAPLAN. I was an information officer.

Mr. MORRIS. Under what section did that come?

Mrs. KAPLAN. Under Children's Appeal.

Mr. MORRIS. And how long did you do that work?

Mrs. KAPLAN. Just the 1 year.

Mr. MORRIS. What other employment have you held?

Mrs. KAPLAN. After that I had no employment.

Mr. MORRIS. And you married Mr. Kaplan in 1950?

Mrs. KAPLAN. Yes.

Mr. MORRIS. Did you know Mr. Leon Josephson at any time?

Mrs. KAPLAN. No.

Mr. MORRIS. You never met Mr. Josephson?

Mrs. KAPLAN. No.

Mr. MORRIS. You ever meet George Mink at any time?

Mrs. KAPLAN. George Mink? Never.

Mr. MORRIS. Who was Mark Lulinsky?

Mrs. KAPLAN. I used Mr. Lulinsky's name as a reference on employment applications.

Mr. MORRIS. You knew him?

Mrs. KAPLAN. Yes, I knew him through Amtorg.

Mr. MORRIS. Did you work at Amtorg the same time he did?

Mrs. KAPLAN. I believe he sold goods to the Amtorg.

Mr. MORRIS. Did you have occasion to meet him from time to time?

Mrs. KAPLAN. No.

Mr. MORRIS. Is it your testimony you did not meet him from time to time?

Mrs. KAPLAN. While I was working for the Amtorg I saw him around.

Mr. MORRIS. Now, did you, for instance, have lunch with him from time to time?

Mrs. KAPLAN. I might have; I don't know.

Mr. MORRIS. Might have, but you don't know?

Mrs. KAPLAN. I don't remember, Mr. Morris. It has been a long time. I haven't seen Mr. Lulinsky in many years.

Mr. MORRIS. When did you last speak with him?

Mrs. KAPLAN. About 6 or 7 years ago.

Mr. MORRIS. And it is your testimony you cannot recall having lunch with Mr. Lulinsky?

Mrs. KAPLAN. I might have.

Mr. MORRIS. You cannot recall what conversations and what the nature of the discussions were at the luncheons?

Mrs. KAPLAN. Probably about business, and everything else.

Mr. MORRIS. Probably about business?

Mrs. KAPLAN. Because he sold goods to the Commission.

Mr. MORRIS. Well now, did you ever work for Michael Borodin?

Mrs. KAPLAN. Not directly. Mr. Borodin was a head of the Moscow Daily News.

Mr. MORRIS. And you worked under him as a reporter?

Mrs. KAPLAN. Well, so far as he had the news.

Mr. MORRIS. Now, we have testimony about a man named Gaik Ovakimian.

Mrs. KAPLAN. Yes.

Mr. MORRIS. Our testimony, Mr. Chairman, was that Gaik Ovakimian was chief resident agent of the Soviet Secret Police in the United States.

Now, did you ever meet Gaik Ovakimian?

Mrs. KAPLAN. I worked for him.

Mr. MORRIS. What work did you do?

Mrs. KAPLAN. Translating.

Mr. MORRIS. What was his job at that time?

Mrs. KAPLAN. His job in Amtorg was as representative of the chemical industries.

Mr. MORRIS. Now, are you acquainted with the testimony—we had testimony that Mr. Ovakimian was chief resident agent of the secret police in the United States.

Mrs. KAPLAN. That, I don't know.

Mr. MORRIS. What was the nature of your association with Mr. Ovakimian?

Mrs. KAPLAN. I was his translator. I would buy his magazines for him. I used to deliver his translated material back to him.

Mr. MORRIS. I see. And how often would you see Mr. Ovakimian?

Mrs. KAPLAN. Whenever he wanted something.

Mr. MORRIS. In the regular course of your business?

Mrs. KAPLAN. Yes. As a piece of work was finished, I would deliver it to him if he called and asked me to deliver it to him.

Mr. MORRIS. You were then being paid by the Soviet Amtorg Corp.?

Mrs. KAPLAN. Yes.

Mr. MORRIS. He, as your superior in the Amtorg Corp., could give you various assignments to perform, and you, as an employee of the Amtorg Trading Corp., naturally carried out his every assignment?

Mrs. KAPLAN. Correct.

Mr. MORRIS. And did you have any reason to believe at that time he was the chief resident agent of the Soviet Secret Police in the United States?

Mrs. KAPLAN. I had no reason to believe or suspect any such thing.

Mr. MORRIS. So, it is your testimony, if you did things for Ovakimian, you did it without knowledge that he was chief resident agent of the Soviet Secret Police in the United States?

Mrs. KAPLAN. I'm sorry.

Mr. MORRIS. I didn't mean to go too fast. If you carried out assignments for Mr. Ovakimian, you carried out these assignments for Ovakimian without the knowledge that he was the chief resident agent of the Soviet Secret Police in the United States, if that was a fact?

Mrs. KAPLAN. Yes; my assignments consisted of translating articles from magazines.

Mr. MORRIS. Did you ever meet a man named Mark Zborowsky?

Mrs. KAPLAN. The name doesn't mean anything to me.

Mr. MORRIS. And it is your testimony you never met Mr. Leon Josephson?

Mrs. KAPLAN. No, sir.

Mr. MORRIS. Mr. Chairman, I have no other questions.

Mr. Rand, in the event we may have to take further testimony, will you stipulate on the record that a phone call to you will be all that will be necessary to have the witness appear again?

Mr. RAND. Certainly, but I would like a few days notice because the witnesses do live in New York.

Mr. MORRIS. Yes; it may not be necessary.

Senator WATKINS. With that understanding, the committee will be in recess. And if you are needed you will be called according to the arrangements made by counsel.

Mr. MORRIS. May it say the relationship prevails with respect to your other client, Harry Kaplan?

Mr. RAND. Yes, except that I do trust, Mr. Senator, it will be unnecessary to call Mr. Kaplan back in view of his health condition.

Mr. MORRIS. We realize that, but the content of the interrogation at the hearing you attended was important as far as the committee was concerned.

Mr. RAND. Yes, and the same stipulation will be made of record.

Senator WATKINS. Committee will be in recess, subject to the call of the chairman.

(Whereupon, at 3:10 p. m., the subcommittee adjourned.)



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**SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES**

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**HEARINGS**

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS**

OF THE

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**EIGHTY-FOURTH CONGRESS**

**SECOND SESSION**

**ON**

**SCOPE OF SOVIET ACTIVITY IN THE  
UNITED STATES**

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**APRIL 5, 6, 1956**

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**PART 12**

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## SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS

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WILLIAM A. RUSHER, *Administrative Counsel*

BENJAMIN MANDEL, *Director of Research*

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## SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

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THURSDAY, APRIL 5, 1956

UNITED STATES SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY ACT  
AND OTHER INTERNAL SECURITY LAWS,  
OF THE COMMITTEE ON THE JUDICIARY,  
*New Orleans, La.*

The subcommittee met, pursuant to call, at 10 a. m., in Federal courtroom 245, United States post office building, New Orleans, La., Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, Jenner, and Watkins.

Also present: Robert Morris, chief counsel; Benjamin Mandel, research director; and Frank W. Schroeder, chief investigator.

Chairman EASTLAND. The committee will come to order.

The United States Senate Internal Security Subcommittee, in performing its constitutional function of presenting for the public record facts that will enlighten Congress in its legislative endeavors relating to security, subversion, and espionage, has been drawn by its evidence to New Orleans, this great southern metropolis and seaport, the gateway to Latin America.

The present series of hearings has for its object the determination of the scope and nature of Soviet activity in the United States. We are examining the activity in order to determine to what extent it has been undermining the framework of our society here at home, and to what extent it has abetted Soviet expansion abroad.

We are making this assessment to determine to what extent it may be necessary to amend, revise, or strengthen the Internal Security Act of 1950, and to what extent other legislation may be necessary.

Fifteen witnesses have been subpoenaed to testify. A vast quantity of documentary evidence will be adduced. Current party directives will be put into the record. The subcommittee must present this evidence for the Congress of the United States.

Now, Mr. Counsel, who is your first witness?

Mr. MORRIS. Mr. Richard Feise is the first witness, Mr. Chairman.

Mr. Feise, will you come forward, please?

Chairman EASTLAND. Hold your hand up, please, sir.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Judiciary Committee of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FEISE. I do.

# TESTIMONY OF RICHARD FEISE, ACCOMPANIED BY PHILIP WITTENBERG, HIS COUNSEL

Mr. MORRIS. Mr. Feise, will you give your name and address to the reporter?

Mr. FEISE. My name is Richard Feise. My address is 246 Glenwood Drive.

Mr. MORRIS. Are you the secretary of the Port Travel Service here in New Orleans?

Mr. FEISE. No, sir; I am not.

Mr. MORRIS. Have you had that position until recently?

Mr. FEISE. Yes, sir.

Mr. MORRIS. Will you tell us what the Port Travel Service is, and what you did when you served in that particular company?

(The witness conferred with his counsel.)

Mr. FEISE. The Port Travel Service was a general travel agency, which arranges trips for people—stenographers taking a 2-week vacation, or people taking a cruise around the world, people going on a business trip, either by plane or train, somewhere.

There are about eight agents in New Orleans, and Port Travel Service was one of them.

Mr. MORRIS. Counsel, will you identify—make your appearance for the record?

Mr. WITTENBERG. Yes. My name is Philip Wittenberg, 70 West 40th Street, New York, N. Y. I am a member of the bar of the Supreme Court of the United States, and of the courts of the State of New York, and of the Circuit Courts of Appeal of the Second and First Districts in the State of New York; that is, the circuit courts of the United States.

Mr. MORRIS. Thank you, Counsel.

Did you take over the business of the Port Travel Service from a gentleman named Arthur Wright, W-r-i-g-h-t?

(The witness conferred with his counsel.)

Mr. FEISE. Yes, I did.

Mr. MORRIS. You did. In what year was that?

Mr. FEISE. A little more than 2 years ago.

Mr. MORRIS. Now, had you been, prior to your employment with the Port Travel Service, the director of industrial relations for the Higgins Industries in New Orleans?

Mr. FEISE. Yes; I had.

Mr. MORRIS. How long did you serve in that capacity?

Mr. FEISE. Since I have been in New Orleans; about 5 or 6 years, I believe.

Mr. MORRIS. Will you tell us roughly what years they embraced?

Mr. FEISE. 1944 to 1949 or 1950.

Mr. MORRIS. Will you tell the committee briefly, Mr. Feise, what your duties were as director of industrial relations for the Higgins Industries in New Orleans?

Mr. FEISE. Well, from the point of view of how I spent my time, I think more time was taken up, probably, settling grievances between the men and the foremen in the plant, than anything else.

Then my next principal occupation was safety training, training foremen and training the men in the plant to work safely, and not to get hurt on the job; and also, investigating accidents, seeing that they

got proper medical care, and all that type of thing connected with the safety program.

Then I had in my department, also, an employment office, although I didn't hire anybody myself. There was an employment manager with a staff of assistants who did the employing.

Mr. MORRIS. Mr. Feise, how many employees did you superintend in that capacity?

Mr. FEISE. Well, in my own department, I only superintended about 25 or 30, maybe; I don't recall exactly.

Mr. MORRIS. Well, Mr. Feise, prior to that employment, you worked for the War Labor Board of the United States Government, did you not?

Mr. FEISE. That is correct.

Mr. MORRIS. I wonder if you would tell us what position you had, what position you had in connection with the War Labor Board.

Mr. FEISE. My position was that of associate or assistant economist. And the job consisted of taking cases that came before the Board and writing up a synopsis and an analysis of the wage issues, the wage and salary increase questions involved, for the Board to—for the Board's information.

Mr. MORRIS. How long were you with the War Labor Board?

Mr. FEISE. Sometime in 1944. I don't recall being there very long.

Mr. MORRIS. Was it January 1943, Mr. Feise?

Mr. FEISE. I guess 1943; between 1943 and 1944.

Mr. MORRIS. And prior to that, were you national representative of the United Federal Workers of America in Washington, D. C.?

Mr. FEISE. Yes.

Mr. MORRIS. And prior to that, were you active in the Textile Workers Organizing Committee in Boston?

(The witness conferred with his counsel.)

Mr. FEISE. Yes, sir.

Mr. MORRIS. And prior to that, did you work for the National Research Project of the WPA in Philadelphia?

Mr. FEISE. No, sir; I didn't work in Philadelphia. I think—

Mr. MORRIS. Where did you work, Mr. Feise?

Mr. FEISE. I worked in Toledo. My job was to knock door-to-door and question railroad employees about any changes, any technological changes, on the railroad, whether they had thrown any men out of work or affected employment.

We had a regular questionnaire, and we would go and interview certain railroad workers, and then fill out the questionnaire.

Mr. MORRIS. Mr. Feise, I notice in your application papers with Higgins Industries, you gave as a person for whom you worked there, the name of David Weintraub.

David Weintraub, Mr. Chairman, as you know, has been a witness before this subcommittee in connection with our Government hearings.

Why did you give the name of David Weintraub? Was he personally known to you, or was he your overall superior?

Mr. FEISE. David Weintraub was the head of the agency (National Research Project—WPA).

Mr. MORRIS. And, therefore, you gave his name to the Higgins Industries?

Mr. FEISE. Yes.

Mr. MORRIS. Prior to that, did you work for the Resettlement Administration of the United States Government? We are now back to 1936.

Mr. FEISE. 1935-36; 1935 and 1936.

Mr. MORRIS. You were a graduate of what university?

Mr. FEISE. Johns Hopkins University.

Mr. MORRIS. What year did you graduate from Johns Hopkins?

Mr. FEISE. 1935.

Mr. MORRIS. Before that, you attended Baltimore City College, is that it?

Mr. FEISE. High school, Baltimore City College.

Mr. MORRIS. That is right. It is a high school, even though it bears the name of a college.

Where were you born, Mr. Feise?

Mr. FEISE. That is right. It is called a college, but it is really a high school.

Mr. MORRIS. Where were you born, Mr. Feise?

Mr. FEISE. I was born in Madison, Wis.

Mr. MORRIS. Mr. Chairman, the witness has been called this morning because we have received information and evidence that Mr. Feise is the head of the professional branch of the Communist Party here in New Orleans.

Chairman EASTLAND. Wait just a minute, Mr. Counsel. Now, you cannot suggest to the witness. If he desires to confer with you, he can do that.

Mr. WITTENBERG. I thought he turned to me.

Chairman EASTLAND. No, sir, he did not turn to you. Now, I watched that for several minutes now. I don't want it to happen again.

Proceed.

Mr. MORRIS. Mr. Feise, have you been the head of the professional branch of the Communist Party here in New Orleans?

Mr. FEISE. Have I been what?

Mr. MORRIS. The head of the professional branch of the Communist Party in New Orleans.

Mr. FEISE. Mr. Chairman, I object to that question, and I don't think I should answer it. And I don't think I should answer it on the following grounds:

That it is an inquiry into my political beliefs.

Chairman EASTLAND. That is your first ground, that it is inquiring into your political beliefs?

Mr. FEISE. Into my political beliefs.

Chairman EASTLAND. It is overruled.

Mr. FEISE. It is an inquiry into my personal and private affairs.

Chairman EASTLAND. That is overruled.

Mr. FEISE. And it is an inquiry into an individual's associational activities, with an implication about them.

Chairman EASTLAND. That is overruled.

Mr. FEISE. I further object on the following grounds:

Any investigation into my political beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is, I feel, beyond the powers of this subcommittee. And in saying this, I rely not only upon my own



opinion, but upon statements contained in the opinions of the Supreme Court of the United States.

For example, among others, in *United States v. Rumely*, the Supreme Court of the United States said, in a concurring opinion by Mr. Justice Douglas—

Chairman EASTLAND. How long is that statement, sir?

Mr. FEISE. It is not very long—well—

Chairman EASTLAND. Answer my question. How long is the statement?

Mr. FEISE. It is 9 pages, Senator.

Chairman EASTLAND. State your grounds, now, and I will let you put that in the record.

Mr. FEISE. Well, in addition to the grounds I have already stated, I also think I should refuse to answer this question on the grounds stated in the fifth amendment—

Chairman EASTLAND. Yes.

Mr. FEISE. To the Constitution.

Chairman EASTLAND. Now, by that you mean that your testimony might tend to incriminate you; is that correct? Do you think your testimony would tend to incriminate you?

Mr. FEISE. Yes. That is why the fifth amendment is used.

Chairman EASTLAND. You do think that.

Now, Mr. Feise, you can help your country, sir. I think that any patriotic American would be glad to openly and publicly make a statement that he is not a member of a conspiracy to destroy his country, that he is not a member of a conspiracy which is advocating, which is alined with a foreign government for the destruction of his country.

You can help your country. You can be of great help to the duly constituted authorities in the United States, and I appeal to you, sir, now to give us the information that you have, of your activities here in New Orleans, and the activities of the Communist organization in New Orleans.

Mr. FEISE. Mr. Chairman, perhaps if this were a different type of body, I might feel differently. However—

Chairman EASTLAND. I doubt that, sir. I doubt that, sir.

Mr. FEISE. Before any type of body, everyone has the right to use—

Chairman EASTLAND. Sure.

Mr. FEISE. Use constitutional protection.

Chairman EASTLAND. Sure.

Mr. FEISE. Senator, might I say further that I resent the insinuation—

Chairman EASTLAND. Yes, but—

Mr. FEISE. In your little lecture—

Chairman EASTLAND. Yes. The right kind of an American—

Mr. FEISE. That my patriotism—

Chairman EASTLAND. That is right.

Mr. FEISE. Is perhaps not as good as yours.

Chairman EASTLAND. It impugns your patriotism, sir, and the right kind of an American would be most anxious to testify where it would help his country, and I will ask you this question—

Mr. FEISE. Senator—

Chairman EASTLAND. Have you ever lived in New York City?

Mr. FEISE. Senator, I don't think that is material, and I refuse to— if you subject—

Chairman EASTLAND. Answer my question. It is material.

Mr. FEISE. I refuse to answer that question on the same grounds I stated before.

Chairman EASTLAND. On the fifth amendment?

Mr. FEISE. Yes, sir.

Chairman EASTLAND. All right.

How long have you known your attorney there?

Mr. FEISE. The same objection, sir.

Chairman EASTLAND. You take the fifth amendment there?

Mr. FEISE. Yes, sir.

Chairman EASTLAND. You take the fifth amendment?

Mr. FEISE. Yes, sir.

Chairman EASTLAND. You think to state how long you have known your attorney would tend to incriminate you?

Mr. FEISE. Before your committee, sir, one can never tell.

Chairman EASTLAND. One could never tell?

Mr. FEISE. That is right.

Chairman EASTLAND. All you have to do is tell the truth, sir, and when a man tells the truth, he has nothing to fear.

Mr. FEISE. That sounds good, but it is not true, I think, before this committee.

Chairman EASTLAND. Proceed, Mr. Morris.

Mr. MORRIS. Mr. Feise, to your knowledge, have plans been made within the professional group of the Communist Party here in New Orleans to have you replaced with Mr. Liveright, Mr. Herman Liveright, as head of the—in other words, to have Mr. Liveright take your place as head of the professional group here in New Orleans?

Mr. FEISE. I couldn't possibly answer a question like that.

Mr. MORRIS. Why not?

Mr. FEISE. For the same grounds that I just stated.

Mr. MORRIS. Among those grounds, do you claim your privilege under the fifth amendment to the Constitution?

Mr. FEISE. Yes, sir; I do.

Mr. MORRIS. To your knowledge, has Junesh Jenkins been liaison between you, as head of the professional group of the Communist Party here in New Orleans, and the Communist Party organization?

Mr. FEISE. I refuse to answer that on the same grounds, including—

Mr. MORRIS. Mr. Feise, do you recall—

Chairman EASTLAND. What are the grounds? Let him state his grounds.

Mr. FEISE. The grounds stated in my objection, which is part of the record.

Chairman EASTLAND. Every ground except the fifth amendment is overruled. If you avail yourself of the fifth amendment, that is your right, sir.

Mr. FEISE. Senator, I am availing myself of the first amendment, as I said.

Senator JENNER. That has been overruled, Mr. Chairman.

Chairman EASTLAND. That has been overruled.

Mr. FEISE. But I reiterate it, nevertheless, because I think it is a fine amendment, and I think it ought to be kept alive.

And I also avail myself of the fifth amendment.

Chairman EASTLAND. The first amendment is overruled.

Proceed, Mr. Morris.

Mr. MORRIS. Mr. Feis, do you recall that on September 1, 1945, a resident of New Orleans, Joseph S. Feuer, reportedly committed suicide? Do you remember such an occasion, Mr. Feise?

Mr. FEISE. Much as I would like to, I don't think I should answer that question, either, on the same grounds.

Mr. MORRIS. Were you on that occasion sent by the Communist Party of New Orleans to the home of Mr. Feuer before the police arrived, in order to gather up all possible evidence that might be used against the Communist Party, and have it burned?

Mr. FEISE. Well, you don't know how funny that is, because—

Chairman EASTLAND. Well, answer the question.

Mr. FEISE. You don't know where I was at that time.

Chairman EASTLAND. Answer the question.

Mr. FEISE. No, I wouldn't answer that question, because it is ridiculous.

Mr. MORRIS. Did you go there at that time? Did you go to the home of Joseph Feuer?

Mr. FEISE. Well, you must know where I was. But I am not going to answer that question. I decline to answer that question.

Chairman EASTLAND. I order and direct you to answer that question, under penalty of contempt, sir.

Mr. FEISE. I don't think that I should answer that question, Senator, on the same grounds that I have stated before, and the fifth amendment and the first amendment.

Chairman EASTLAND. The first amendment?

Mr. FEISE. And the fifth amendment.

Chairman EASTLAND. Of course, you realize—

Mr. FEISE. That involves a matter of friends and associations, freedom of association, and I believe, Senator—

Chairman EASTLAND. Your attorney realizes that the first amendment as a legal defense here is silly.

Mr. FEISE. I don't think the first amendment is ever silly.

Mr. MORRIS. The chairman didn't say that, Mr. Feise.

Chairman EASTLAND. He knew I didn't say that.

Mr. FEISE. That is how it sounded to me, Senator.

Chairman EASTLAND. It doesn't sound that way at all, sir. All you have got to do is tell the truth and give us the information that we request.

Mr. FEISE. I am sorry, Senator, that I am not a cooperative witness, but I still stand on the grounds that I have stated to you.

Mr. MORRIS. Mr. Feise, do you know a man named Calhoun Phifer?

Mr. FEISE. I refuse to answer that question on the same grounds.

Mr. MORRIS. Did Mr. Calhoun Phifer loan you \$2,500 in 1944?

Mr. FEISE. I am sorry that I can't answer that question.

Mr. MORRIS. Why can't you answer the question?

Mr. FEISE. On the same grounds, the grounds of the fifth amendment and the—

Chairman EASTLAND. All right.

Mr. MORRIS. Do you still owe Mr. Phifer \$2,500?

Mr. FEISE. Same objection, sir, same statement, same refusal on the same grounds.

Mr. MORRIS. Were you in the city of Memphis, Tenn., in 1940?

Mr. FEISE. No answer, sir, on the same grounds.

Mr. MORRIS. Were you a member of the Communist Party in Memphis in 1940?

Mr. FEISE. No answer, sir, on the same grounds.

Mr. MORRIS. Mr. Chairman, at this time I would like to offer for the record the police report in New Orleans, taken from the files yesterday, of the New Orleans police, which is a report on the suicide of Joseph Seymour Feuer. I would like to offer that for the record.

Chairman EASTLAND. It will be admitted into the record as an exhibit of this witness' testimony.

(The document referred to was marked "Exhibit No. 199" and reads as follows:)

EXHIBIT No. 199

HOMICIDE DIVISION,  
DETECTIVE BUREAU,  
September 13, 1954.

Item No. I-306-54.

To: Capt. Wm. J. Dowie, Sr., commanding.

From: Detective Wm. J. Stevens and patrolman John Delpuget.

Subject: Death of one Joseph Seymour Feuer, white man, age 40, formerly residing 2224 General Taylor Street, which occurred at 2700 LaSalle Street, on Wednesday, September 1, 1954, being pronounced dead at 12:07 a. m., Thursday, September 2, 1954.

With reference to the above death, a worksheet was received from the Orleans Parish Coroner's Office, this date, with the findings reading as follows:

Through and through bullet wound of head.

The final diagnosis was: Through and through bullet wound of head with laceration of brain and fracture of skull.

Suicide. Shot self in head, September 2, 1954, at 2700 LaSalle Street.

This case closed, and will be carried as a suicide in our files.

Respectfully,

JOHN DELPUGET.  
WILLIAM J. STEVENS.

Mr. MORRIS. Mr. Feise, have you been an organizer and business agent of Local 206 of the AFGE, that is, the American Federal and Government Employees? It is a union, I believe, that is no longer in existence; at least, the local is no longer in existence.

If you recall, I think you answered yesterday about that in executive session, Mr. Feise.

Mr. FEISE. You know the facts, sir.

Chairman EASTLAND. Answer the question.

Mr. FEISE. But at this time I will decline to answer the question on the same grounds.

Mr. MORRIS. Mr. Feise, when you applied for the War Labor Board, you gave the name of Eleanor Nelson as a reference. Who was Eleanor Nelson?

Mr. FEISE. I refuse to answer on the same grounds.

Chairman EASTLAND. Do you know her to be a Communist?

Mr. FEISE. I refuse to answer on the same grounds.

Mr. MORRIS. Were you an organizer for the Food, Tobacco, Agricultural and Allied Workers of America, in Memphis, in 1940?

Mr. FEISE. The what?

Mr. MORRIS. The Food, Tobacco, Agricultural and Allied Workers of America.

Mr. FEISE. In Memphis?

Mr. MORRIS. In Memphis.

Answer it.

Mr. FEISE. I can't answer that, sir, on the same grounds.

Mr. MORRIS. Mr. Feise, were you an organizer for that particular union, without the Memphis part of it?

Mr. FEISE. No, sir, I don't think I should answer that question.

Chairman EASTLAND. Answer the question.

Mr. FEISE. I refuse to answer the question.

Chairman EASTLAND. Well, you are ordered and directed to answer the question now, under penalty of contempt. I will direct you to answer the question.

Mr. FEISE. Mr. Chairman, I refuse to answer the question on the grounds of the first and the fifth amendments.

Chairman EASTLAND. That answer would tend to incriminate you?

Mr. FEISE. That is correct, sir.

Chairman EASTLAND. All right.

Mr. MORRIS. Mr. Feise, do you know a man named Paul Crouch?

Mr. FEISE. You know him pretty well.

No, I refuse to answer that.

Senator WATKINS. I would like to hear the first part of his answer. What was that?

Mr. FEISE. I said, you know him pretty well. But I refuse to answer the question as to whether I know Paul Crouch.

Chairman EASTLAND. Well, I direct you to answer the question.

Mr. FEISE. Senator, I am not going to answer that question, and I am not going to answer it because I invoke the protection of the first and the fifth amendments.

Chairman EASTLAND. You know Paul Crouch was the southern organizer for the Communist Party. At one time he was one of the leading Communists in this country, who later cooperated with his Government.

Now, do you think that if you would go into your association with Crouch, that it would incriminate you?

Senator WATKINS. That is, if you told the truth.

Chairman EASTLAND. Sure.

Mr. FEISE. You thought if I went into my association with Crouch—

Chairman EASTLAND. Yes, that it would incriminate you.

Mr. FEISE. The question incriminates me; answering the question incriminates me.

Chairman EASTLAND. Answering the question would incriminate you. All right.

Mr. MORRIS. Were you, yourself, active in the Southern Conference for Human Welfare?

Mr. FEISE. I would love to answer that question, Senator, but I am not going to, on the same grounds—

Chairman EASTLAND. The fifth amendment?

Mr. FEISE (continuing). Because it is a question that pertains to organizational membership, political ideas, affiliation with organizations—

Chairman EASTLAND. Yes. You know very well that that organization—

Mr. FEISE (continuing). Under the fifth amendment and the first amendment.

Chairman EASTLAND. Yes.

Mr. FEISE. I think every American has the right to belong to any organization he wants to.

Chairman EASTLAND. Even the Communist Party?

Mr. FEISE. Even the southern conference you were asking about.

Chairman EASTLAND. Answer my question: Even the Communist Party?

Mr. FEISE. You asked me about the southern conference.

Chairman EASTLAND. Yes, and you know very well it was a front for communism, and Earl Browder said it was a transmission belt to bring communism into the South.

Now answer the question.

Mr. FEISE. No, sir; I will not answer the question, on the grounds of the first and fifth amendments.

Mr. MORRIS. Have you been active in an organization called the National Committee for Justice for the Rosenbergs?

Mr. FEISE. I refuse to answer that question on the same grounds.

Mr. MORRIS. Now can you recall—I think we asked you this question in executive session, Mr. Feise, and it was not your recollection at the time—do you remember writing a letter to the United States attorney here in New Orleans in 1949, when the United States attorney had a special grand jury empaneled which was subpoenaing Communist functionaries in this area? Can you recall writing such a letter?

Mr. FEISE. In this open session, I don't wish to answer that question, either.

Mr. MORRIS. Well, I think you testified the other day that you could not recall writing such a letter, Mr. Feise.

Mr. FEISE. In this open session—

Mr. MORRIS. Can you recall that?

Mr. FEISE. In this open session, sir, I don't wish to answer that question, on the same grounds.

Chairman EASTLAND. Well, I order you to.

Mr. MORRIS. Mr. Wittenberg, I think that inasmuch as your witness has testified in executive session about this letter, I think he has waived his claim to immunity, at least with respect to this particular letter, and I ask you if you will not advise your client to reconsider his last answer.

Mr. WITTENBERG. On the contrary, I believe you now have all the information you need for legislative purposes, and you are merely doing this for the purpose of exposing this witness to his community, and trying to arouse hatred, and I shall instruct him this public meeting is completely unnecessary, because you have got all the information you need for the purposes of legislation.

This is for publicity, and I shall so advise him.

Senator JENNER. The witness, Mr. Chairman—

Chairman EASTLAND. Of course, we need a public record, and we have to have a public record for Congress to act on.

Now, if we read him the question and read into the record his answer—now, if what you say is true, he has waived the fifth amendment there.

Mr. MORRIS. I have here page 410 of the executive session testimony taken in this courtroom 2 days ago, Senator. The question asked by counsel—

Mr. FEISE. Isn't that true, what Mr. Wittenberg just pointed out, that you have the information?

Chairman EASTLAND. Just wait a minute. Answer questions.

Mr. FEISE. You have the information, Senator, and if you are looking for information—

Chairman EASTLAND. Yes.. If you don't answer this question now, I am going to cite you for contempt.

Proceed.

Mr. MORRIS (reading):

Do you remember that in March of 1949—

Mr. FEISE. Senator, isn't it true that you have the information?

Mr. MORRIS (continuing):

When the United States attorney—

Chairman EASTLAND. You will have a chance to say whether this is correct or not.

Proceed.

Mr. MORRIS (reading):

Do you remember that in March of 1949, when the United States attorney in New Orleans empaneled a special grand jury that subpoenaed Communist Party functionaries, did you write a letter of protest to the United States attorney?

Mr. FEISE answering:

I don't recall.

Mr. MORRIS. You don't recall?

Senator WATKINS. Answer the question audibly. The reporter cannot get your nod. It will not show in the record.

Mr. FEISE. Did I write a letter to whom?

Mr. MORRIS. To George Blue, the United States attorney, protesting the fact he had empaneled a special grand jury to subpoena Communist Party functionaries.

At that time, Mr. Blue was not the United States attorney.

Mr. FEISE. Well—may I ask my attorney?

Mr. MORRIS. By all means.

Mr. FEISE. I don't recall.

Now I offer you a letter—

Mr. FEISE. Mr. Morris, there was more to that conversation than you read.

Chairman EASTLAND. All right, then, in what particular, now—if there was more to it, will you tell us what he left out?

Mr. MORRIS. I will offer the whole record.

Chairman EASTLAND. Wait just a minute, Mr. Counsel.

Now, you tell us what was left out. If you are being mistreated, sir, I certainly want to give you a chance to correct the record. What is it that was left out?

Mr. FEISE. Senator Watkins, you recall we had more discussion than that.

Chairman EASTLAND. Just state what was left out.

Mr. FEISE. I am just interested to see what is in the record.

Chairman EASTLAND. Well, state what was left out, sir. You said there was more to it than that.

Mr. FEISE. No, sir, Senator; I began by refusing to answer the question because I didn't see it had any bearing on anything and I

thought it was incriminating, and I thought I didn't have to answer such a question, under the first amendment and the fifth amendment, as I stated.

Now, you all are bringing this up——

Chairman EASTLAND. But you answered the question, sir.

Mr. FEISE. But I will say that the record does not sound complete to me. That is not my recollection.

Chairman EASTLAND. All right. What is your recollection, then?

Mr. FEISE. In this public hearing, sir, you are trying to get me to answer the question. I have said that I am not going to answer the question.

Chairman EASTLAND. You have said the record is not complete.

Mr. FEISE. But I am observing that the record is not complete.

Chairman EASTLAND. You accuse the Chief Counsel of the subcommittee of leaving something out. Now, what was it he left out?

Mr. FEISE. I have already made my position clear, sir. You have a colleague who was there. I am sure he recalls the rest of the discussion.

Chairman EASTLAND. What was the answer, sir? I didn't hear.

Mr. FEISE. I say, Senator Watkins was there, and I addressed my remarks to him——

Chairman EASTLAND. What were they?

Mr. FEISE (continuing). At the time.

Chairman EASTLAND. What were they?

Mr. FEISE. The stenographer is supposed to have taken them down.

Chairman EASTLAND. All right.

Mr. FEISE. I personally don't think it makes any difference what they were.

Chairman EASTLAND. You say it is incomplete, sir. You say it is incomplete, sir. Now, in what respects is it incomplete?

Mr. FEISE. I merely state that it is incomplete.

Mr. MORRIS. Senator, I think the——

Senator JENNER. Just a moment.

Has the witness, Mr. Chairman, ever seen the letter to identify whether or not it is in his handwriting——

Mr. MORRIS. Mr. Schroeder, will you show him the letter, please?

Senator JENNER (continuing). Judge Watkins, in the executive hearing?

Senator WATKINS. I don't remember any letter being shown.

Senator JENNER. Mr. Chairman, I suggest the witness be shown the letter and asked whether or not he wrote the letter.

Chairman EASTLAND. I think that is very proper.

(Letter shown to the witness by Mr. Schroeder.)

(The witness conferred with his counsel.)

Mr. FEISE. May I consult my counsel, Senator?

Chairman EASTLAND. Yes.

(The witness conferred with his counsel.)

Mr. MORRIS. Mr. Chairman, I might point out——

Senator JENNER. Mr. Chairman, might I state that it might be misunderstood, the difference between an executive session and a public session.

Chairman EASTLAND. Go ahead, Senator.



Senator JENNER. As the chairman knows, an executive session is held primarily for this committee to bring people in to screen the testimony and the evidence that we have heard about them. In many cases, the executive session——

Chairman EASTLAND. So that nobody is going to be mistreated.

Senator JENNER. That is right, innocent people will not be abused.

In many cases, in executive session, members of the Communist Party have come clean with this committee and have aided their Government, which was valuable to the security of this country.

Now, as the chairman well knows, the Congress of the United States cannot act on an executive session record. We must have this information in open record before it is available to the Congress. That is a rule, also, of this committee. We do not divulge executive sessions.

Therefore, I believe the witness should proceed along the lines the chairman is now inquiring, whether or not he wrote this letter, whether or not it is his letter.

Mr. FEISE. I have already made clear, Senator, that I am not answering that question, on the grounds stated, on the fifth amendment and the first amendment.

Chairman EASTLAND. You think the answer to the question might incriminate you?

Senator JENNER. Is that your handwriting on the document you just examined?

Chairman EASTLAND. Let him answer.

Mr. FEISE. I have——

Senator JENNER. Pardon.

Mr. FEISE. I refuse to answer, sir, on the grounds of the fifth and the first amendments.

Chairman EASTLAND. You think it would incriminate you if you would answer the question? Is that correct, sir?

Mr. FEISE. I refuse to answer the question, Senator. Isn't that sufficient?

Chairman EASTLAND. Do you think that—well, I have a right now to inquire into the basis. Do you think that that testimony would incriminate you?

Mr. FEISE. The basis of my refusal, sir, is set forth in this nine-page document, in writing.

Chairman EASTLAND. Yes, sir. Do you want that admitted into the record?

Mr. FEISE. Yes, please.

Chairman EASTLAND. That will be admitted into the record as an exhibit, or placed in the record.

(The document above referred to was marked "Exhibit No. 200" and reads as follows:)

#### EXHIBIT No. 200

#### (STATEMENT OF RICHARD FEISE)

1. I, Richard Feise, hereby respectfully object to the power and jurisdiction of the subcommittee to inquire into:

(a) My political beliefs.

(b) Any other personal and private affairs.

(c) My associational activities.

2. I refuse to answer on the grounds stated in the fifth amendment to the Constitution of the United States.

3. I further object on the following grounds:

(a) Any investigation into my political beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this subcommittee. I rely not upon my own opinion but upon statements contained in the opinions of the Supreme Court of the United States. Among others, in *United States v. Rumely* (345 U. S. 41, 58), the Supreme Court of the United States said in a concurring opinion by Mr. Justice Douglas:

"The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

In *McGrain v. Daugherty* (273 U. S. 135), the Court said: "Neither House is invested with 'general' power to inquire into private affairs and to compel disclosures."

And in *Kilbourn v. Thompson* (103 U. S. 168), the Court said: "Neither the Senate nor the House of Representatives 'possesses the general power of making inquiry into the private affairs of the citizens'."

In *West Virginia State Board of Education v. Barnette* (319 U. S. 624), the Court, in an opinion by Mr. Justice Jackson said: "If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

It follows therefore that this subcommittee is without power to examine into my political, associational, and private affairs.

(b) The right to refuse to answer to any official, or indeed to anyone, with regard to one's personal affairs is a valuable right in a democracy which ought not lightly be ceded, or indeed ought ever be impinged upon by any public official. The Congress of the United States is composed of elected officials who have no power to intrude into the private affairs of American citizens. They cannot by resolution increase their constitutional authority. As was said by the Supreme Court of the United States in *Jones v. Securities and Exchange Commission* (298 U. S. 1): "The citizen when interrogated about his private affairs has a right before answering to know why the inquiry is made; and if the purpose disclosed is not a legitimate one, he may not be compelled to answer."

And again in *McGrain v. Daugherty* (273 U. S. 135): "That a witness rightfully may refuse to answer where the bounds of the power are exceeded."

It was said by Mr. Justice Frankfurter in *United States v. United Mine Workers of America* (330 U. S. 258, 307): "The historic phrase 'government of laws and not of men' epitomizes the distinguishing character of our political society. \* \* \* 'A government of laws and not of men' was the rejection in positive terms of rule by fiat, whether by the fiat of governmental or private power. Every act of government may be challenged by an appeal to law, as finally pronounced by this Court."

And again in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertions of authority."

Within the meaning of these decisions I regard it as one of the duties of a citizen of the United States to be vigilant against the accretion of dangerous power. I call to the attention of this subcommittee the opinion of Mr. Justice Douglas in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579), that even the cold war and the emergencies said to have been created thereby: "did not create power."

(c) Under the first amendment to the Constitution the power of investigation by Congress in matters involving freedom of speech and freedom of the press is limited. There can be no investigation except for the purpose of legislation. As was said by Mr. Justice Van Dervanter in *McGrain v. Daugherty* (273 U. S. 135, 178):

"The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating."

The Congress of the United States has no constitutional right to legislate with regard to prior restraint on utterance; no ex post facto law can be passed determining innocence or criminality, and therefore any investigations into my speech or communications is beyond the power of this committee. As was said by Mr. Justice Douglas in *United States v. Rumely* (345 U. S. 41, 58):

"Through the harassment of hearings, investigations, reports, and subpoenas Government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

(d) Under our Constitution our Government is a government of limited powers, tripartite in form, consisting of the legislative, the judicial, and the executive. This separation is fundamental to the preservation of the rights of the people in order that no one department may, through its power, rise to become a despotic arbiter.

This subcommittee through this investigation into my political, associational, and private affairs trespassed upon the judicial department and has caused a lack of balance of power which constitutes a threat to my liberty as an American citizen and is an unconstitutional usurpation. This usurpation has reached the point where the Supreme Court of the United States in *United States v. Rumely* (345 U. S. 41, 44) said:

"And so, we would have to be that 'blind' court, against which Mr. Chief Justice Taft admonished in a famous passage, that does not see what all others can see and understand' not to know that there is wide concern, both in and out of Congress, over some aspects of the exercise of the Congressional power of investigation."

No place is there that usurpation better seen than in the trespassing by the legislature upon the judiciary. As was said in *Lighter v. United States* (334 U. S. 742, 779):

"In peace or in war it is essential that the Constitution be scrupulously obeyed, and particularly that the respective branches of the government keep within the powers assigned to each by the Constitution."

And again, in *Myers v. United States* (272 U. S. 82, 116) by Mr. Justice Taft:

"If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers."

In *Quinn v. United States* (349 U. S. 155-161) the Supreme Court by Mr. Chief Justice Warren said:

"But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the executive and the judiciary."

And again by Mr. Justice Brandeis in *Myers v. United States* (272 U. S. 52, 293, 71 L. Ed. 160):

"The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to fight friction but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

And again in *Kilbourn v. Thompson* (103 U. S. 168):

"It is believed to be one of the chief merits of the American system of written constitutional law that all the powers entrusted to governments, whether State or National, are divided into three grand departments; the executive, the legislative and the judicial.\* \* \*

"It is also essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others but that each shall by the law of its creation be limited to the exercise of the power appropriate to its own department and no other."

Not only did the founders of our Republic separate the departments of Government, but they also limited the powers of each of those departments. It is a simple statement known to every American schoolchild that our Government consists of separate departments, that the powers of each of those departments is limited, and that all rights not granted to the Government are reserved to the people.

To be specific Congress has the specific power to legislate granted to it by the Constitution. It has an implied power to investigate which, however, can be no broader than the power to legislate.

In the absence of proposed legislation there can be no investigation for all powers not expressly granted or necessarily implied are reserved to the people. Neither of the tripartite departments of our Government can claim any residual power as a basis for acting. In order that there might be no doubt about the limitations of power and the wish not to grant residual power the citizens of the several States insisted on the insertion in the Bill of Rights of amendment 9:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

They reinforced amendment 9 by amendment 10:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This Congress and the committees appointed by it can enjoy only the powers expressly granted in the Constitution or necessarily implied therefrom. Senators or committeemen thereof as officials of the Government do not have, and cannot arrogate to themselves, a power to intrude into the private affairs of the people of the United States, a power which the people reserve to themselves. The arrogation of power may be curtailed either by an appeal to the courts, or what is to be more hoped for, by the self-discipline of those entrusted with authority. The possibility of petty tyranny is ever present in a democracy unless the body of officialdom is wise and knows that self-limitation is essential to the success of our scheme of government. As Mr. Justice Frankfurter said in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"A constitutional democracy like ours is perhaps the most difficult of man's social arrangements to manage successfully. Our scheme of society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims."

But when such self-discipline is not apparent in the actions of any governing body then it becomes the duty of the citizen to challenge that act by an appeal to law. It is that duty which I here feel obliged to maintain. (See *United States v. United Mine Workers of America*, 330 U. S. 258.)

This subcommittee by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in Bills of Attainder, being prohibited by our Constitution, article 1, section 10.

The present practices of this committee fall within the condemnation and prohibition of that section.

The Supreme Court said in *United States v. Lovett* (328 U. S. 303, 317):

"Those who wrote our Constitution well know the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons, because the legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts. \* \* \*"

"And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury, has a right to be represented by counsel, he must be clearly informed of the charge against him, the law which he is charged with violating must have been passed before he committed the act charged, he must be confronted by the witnesses against him, he must not be compelled to incriminate himself. \* \* \*"

Our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the Nation of freemen they envisioned. And so they proscribed bills of attainder.

But a bill of attainder need not be the specific bill of attainder referred to in the Constitution. It may be any legislative act taken in connection with known punishments which together constitute a deprivation of civil rights. So to ask us whether I am or have been a member of the Communist Party may have dire consequences. I might wish to defend myself by taking recourse to the protection of the provisions contained in the Bill of Rights or challenge the pertinency of the question to the investigation. Should I invoke the protection of the Bill of Rights and the Constitution I thereby place my livelihood and my position in society in a position of jeopardy. Many of our States, municipalities, educational institutions, the Federal Government itself, and even private employers, have adopted rules of exclusion from employment for persons taking recourse in the Bill of Rights or the Constitution.

The Supreme Court of the United States took cognizance of this condition in 1950, a time when it had not yet reached the full flavor of today. For in 1950, Mr. Justice Black concurring, in *Joliet Anti-Fascist Refugee Com. v. McGrath* (341, U. S. 123, 144, 145), said:

"In this day when prejudice, hate, and fear are constantly invoked to justify irresponsible smears and persecutions of persons even faintly suspected of entertaining unpopular views, it may be futile to suggest that the cause of internal security would be fostered, not hurt, by faithful adherence to our constitutional

guaranties of individual liberty. Nevertheless, since prejudice manifests itself in much the same way in every age and country and since what has happened before can happen again, it surely should not be amiss to call attention to what has occurred when dominant governmental groups have been left free to give uncontrolled rein to their prejudices against unorthodox minorities. \* \* \*

"Memories of such events were fresh in the minds of the founders when they forbade the use of the bill of attainder."

And he said further:

"Moreover, officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder, the use of which was from the beginning forbidden to both National and State Governments (United States Constitution, art. 1, secs. 9, 10.)"

As was said in *United States v. Lovett* (328, U. S., 303, 324), cited by Mr. Justice Black in the preceding opinion:

"Figuratively speaking, all discomfoting actions may be deemed punishment because it deprives of what otherwise would be enjoyed \* \* \*. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the cause of the deprivation determining this fact."

Upon all the grounds aforesaid I object not only to the jurisdiction of this committee, but also to the questions propounded by it. This objection is made upon the advice of counsel.

Mr. MORRIS. Mr. Chairman, I wonder if the witness would read the letter. Apart from the question of whether or not it is your letter or it is in your handwriting, will you read the contents of that paper which appears before you now?

Mr. FEISE. That would be the same as answering the question.

Senator JENNER. Mr. Chairman, I suggest—

Mr. FEISE. And I have already stated I did not wish to answer the question.

Mr. MORRIS. Even to reading the contents of that paper?

Mr. FEISE. Well, you know, it is the same thing.

Senator JENNER. Mr. Chairman, since the witness refuses to read the letter, and since he has taken the fifth amendment in regard to whether or not he wrote the letter, I suggest that the letter be read into our record.

Chairman EASTLAND. That will be all right.

Mr. MORRIS. Mr. Mandel, Mr. Chairman, as you know, is the research director of the Internal Security Subcommittee, and during the course of these hearings, we will have to read into the record documents and evidence in the possession of the committee, and I suggest Mr. Mandel be sworn at this time for the purposes of testifying at the whole hearing.

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANDEL. I do.

### TESTIMONY OF BENJAMIN MANDEL, RESEARCH DIRECTOR, INTERNAL SECURITY SUBCOMMITTEE

Mr. MORRIS. Mr. Mandel, will you be seated there; make yourself comfortable.

Mr. MANDEL. As exhibit 1, I hold in my hand—

Mr. MORRIS. This is the second exhibit.

Mr. MANDEL. Exhibit 2, I hold in my hand a photostat of an envelope addressed to Hon. J. Skelly Wright, United States district attorney, Federal Building, New Orleans, La.

NEW ORLEANS, LA., April 19, 1949.

HON. J. SKELLY WRIGHT,  
*United States District Attorney,  
 New Orleans, La.*

DEAR SIR: I was shocked to hear tonight at a meeting to which a friend invited me that a grand jury has been convened in the city of New Orleans for the purpose of inquiring into the political and social beliefs of American citizens. I understand that ostensibly the grand jury is searching for Communists—but actually the inquiry is directed at political beliefs.

Your duty, it seems to me, and that of your superior, the Attorney General of the United States, is being carried too far afield. I cannot see that crimes have been committed in this instance—

some of the writing is obscure—

our Constitution and our democratic form of government—

the word is not clear—

is free to believe and to advocate whatever theories and doctrines he chooses, religious or civil. The service of subpoenas and the questioning of individuals as to their beliefs by a grand jury—indeed the indictment of individuals for beliefs which they hold or doctrines they advocate strikes me as an alarming violation of the fundamental civil rights guaranteed to all of us by the Constitution. This begins to smack of the kind of thing we just fought against in the last war and in the First World War which preceded it.

For the reasons stated I protest your activities and those of the grand jury. It is possible, of course, since the grand jury's sessions are secret, that my information as to its objectives may be erroneous. If so, I should appreciate receiving corrective information.

Feise—

and the first name is not clear on this copy.

(The letter which was read by Mr. Mandel, was marked "Exhibit No. 201" and was filed with the subcommittee.)

MR. MORRIS. Mr. Chairman, we have available a handwriting expert. May I suggest, on the basis of another file that I have here, that when he is called, the handwriting expert testify as to whether that handwriting is the same as the handwriting of Richard Feise, a sample of which we have on his application for employment in the Higgins Aircraft, Inc.

May I offer this. Mr. Mandel, will you identify this employment file from the Higgins Industries?

MR. MANDEL. This is an employment file which was loaned to us by the Higgins Industries, an employment record.

#### TESTIMONY OF RICHARD FEISE—Resumed

MR. MORRIS. I would like to ask you, Mr. Feise, if that signature that is contained on that application is your signature? [Showing document to the witness.]

MR. FEISE. Sir, that is just another question about the letter, and I take the same position. I do not wish to answer any questions about the letter, on the same grounds I have stated before.

Chairman EASTLAND. On the basis of the fifth amendment?

MR. FEISE. That is correct.

MR. MORRIS. What we are trying to determine is whether or not the handwriting on that letter is the same as the handwriting on the form of the Higgins Industries; and you will not assist the committee in that respect?

MR. FEISE. No, sir.

MR. MORRIS. Mr. Feise, did you take a trip abroad in late 1951?

Mr. FEISE. I object to that question, and I refuse to answer it on the grounds of the first and the fifth amendments.

Mr. MORRIS. Well, you and your wife did go abroad that year; did you not?

Mr. FEISE. The same answer, sir, on the same objections.

Mr. MORRIS. Mr. Feise, did you cause or induce Herman Liveright to come to New Orleans a few years ago?

Mr. FEISE. Did I do what?

Mr. MORRIS. Did you induce him to come to New Orleans, Herman Liveright?

Mr. FEISE. Induce him to come to New Orleans?

Mr. MORRIS. Give him encouragement or ask him to come.

Mr. FEISE. Mr. Chairman, I am sorry; I can't answer that question, either, on the same grounds.

Chairman EASTLAND. That is one time that I am pretty confident that a truthful answer would be incriminating.

Mr. MORRIS. Mr. Chairman, in view of the responses of this particular witness, I have no more questions to ask him at this time.

Chairman EASTLAND. Senator Watkins?

Senator WATKINS. I have no questions.

Chairman EASTLAND. Senator Jenner?

Senator JENNER. I would like to ask one question, Mr. Chairman.

Mr. Feise, do you take the position that this committee has no right to inquire into your membership in the Communist Party because the Communist Party is a political party, and therefore we have no right to inquire into your political views?

Mr. FEISE. My position, sir—my position, Senator, is set forth in writing in the document which you have admitted to the record. Do you wish me to read the document?

Senator JENNER. No, because it is in the record, and I can read it. But I thought it would clarify matters.

You have taken the position all through your testimony that this committee has no right to inquire into your political views.

Mr. FEISE. Into my political views or anyone's political views.

Senator JENNER. All right. Now, do you consider the Communist Party a political party?

Mr. FEISE. Sir, you know I cannot answer that question.

Senator JENNER. Why can't you?

Mr. FEISE. On the same grounds.

Senator JENNER. That is all we are trying to find out.

Mr. FEISE. On the same grounds I stood on before.

Senator JENNER. Don't you know, Mr. Feise, the Communist Party is not a political party such as the Democrat or the Republican Party? Don't you know your Government has determined that the Communist Party is a conspiracy, out to overthrow and destroy this country; and do you sit here as a witness in America and say that this committee has no right to inquire into your political beliefs if you are a member of a party that is out to overthrow and destroy this country?

Mr. FEISE. Senator, I would like very much to enter into a discussion with you.

Chairman EASTLAND. Just answer his questions.

Senator JENNER. Just answer the question.

Mr. FEISE. I would, really.

Senator JENNER. Are you now a member of the Communist Party, Mr. Feise?

Mr. FEISE. But, I am sorry, before this committee and these proceedings, I don't believe that any citizen has to answer questions about his thoughts, prying into his mind, what he believes, what he doesn't believe——

Senator JENNER. We are not going into your thought. We are asking you whether you are a member of the Communist Party.

Mr. FEISE (continuing). What his ideas are, or what his political ideas are not.

Chairman EASTLAND. You take your fifth amendment on his question as to whether or not you are now a member of the Communist Party; is that right, sir?

Mr. FEISE. Yes, Senator. You might say it is sort of a position of interposition——

Chairman EASTLAND. Answer my question.

Mr. FEISE (continuing). On my part, in relation to the committee.

Chairman EASTLAND. That is ridiculous.

Let's have order.

Mr. FEISE. Now, you understand that, because you have taken the same position on certain matters.

Chairman EASTLAND. Yes.

Mr. FEISE. Well, I take a position of interposition in this matter.

Chairman EASTLAND. I understand that, sir, and I know any decent American would be glad to answer that question, sir.

Mr. FEISE. Well, sir, I don't know about decency, and I don't like that slur.

Senator JENNER. Mr. Chairman.

I order you——

Mr. FEISE. I personally believe in the American citizen. I think I am as good an American as anybody else, and I have the highest respect for the Supreme Court of our land and its decisions, and I don't incite anybody to oppose the Supreme Court. I am a good American, Senator.

Senator JENNER. You are a good American? Can you be a good American and be a member of the Communist Party at the same time?

Mr. FEISE. Senator, I have already told your colleague that I would love to get into a discussion with you.

Senator JENNER. You can answer that question. Answer the question.

Chairman EASTLAND. Answer the question, Mr. Feise. This is not a discussion society.

Mr. FEISE. I will not answer the question; on the same grounds I have stated before.

Chairman EASTLAND. On the fifth amendment.

Senator JENNER. Fifth amendment.

Mr. FEISE. This is a matter of principle with me, gentlemen, I believe in this.

Mr. MORRIS. Mr. Feise, were you a member of the Communist Party when you were director of industrial relations with the Higgins Industries?

Mr. FEISE. Sir, I have already stated that I am not answering any questions like that, for the grounds that I have stated.



Senator JENNER. Were you a member of the Communist Party when you were employed by the Government of the United States, for example, in the National War Labor Board, Washington, D. C.?

Mr. FEISE. Sir, you could ask me whether I was a member of the Communist Party when I was born, and I still feel the same way about answering the questions.

Chairman EASTLAND. Wait just a minute.

Senator JENNER. Regardless of how you feel, will you answer the question?

Mr. FEISE. I stand on my rights, as I have explained.

Senator JENNER. You fear to answer, under the fifth amendment, because answering truthfully would incriminate you?

Mr. FEISE. Yes, sir.

Senator JENNER. That is all the questions I have, Mr. Chairman.

Senator WATKINS. I would like to ask the witness:

I think we have a right to inquire about the basis of your refusal to answer, even under your claim of the fifth amendment. Is it your belief, if you answered the questions truthfully, it might incriminate you; if you furnished that evidence, it might be used against you?

Mr. FEISE. Well, sir, the principal basis for my answer——

Senator WATKINS. You can answer that "yes" or "no."

Mr. FEISE. This is a legal matter. May I consult with my attorney, please?

(The witness conferred with his counsel.)

Senator WATKINS. Just a moment. I did not see you move your lips. You have to ask the attorney for information. He cannot volunteer it. You have to ask him for advice on the question that is bothering you.

Mr. FEISE. All right.

Senator WATKINS. That is the only reason he is permitted here. You are not on trial. It is purely an investigation.

(The witness conferred with his counsel.)

Mr. FEISE. Now, what was your question, again, sir?

Senator WATKINS. Will you read the question again, Mr. Reporter?

(The question referred to was read by the reporter.)

Mr. FEISE. Senator, as I understand the fifth amendment, it is a protection, it is a shield, it goes way back into history——

Senator WATKINS. I understand that.

Mr. FEISE (continuing). For the innocent and the guilty.

Chairman EASTLAND. Answer his question, sir.

Senator WATKINS. I want to know if that is the basis.

Mr. FEISE. That is how I understand the fifth amendment, and that is why I am using it, sir.

Senator WATKINS. I want to find out if you actually understand the fifth amendment. The fifth amendment does not grant immunity for anybody, but there must be a reasonable basis. If, in your mind, you are convinced if you answered the questions truthfully it might incriminate you, I think the objection would be well taken, and we should not insist upon your further answering; but I really want to understand what you are talking about, the basis of your claim. I want to know what that is. Why do you hesitate to say?

Mr. FEISE. Senator, I have said it so many times, I don't know what the problem is.

Senator WATKINS. I know. But I am endeavoring now to find out what is the basis of your understanding of the fifth amendment.

Mr. FEISE. The basis of my understanding of the fifth amendment is that no one has to—well, let me say this: I really stand very strongly on the first amendment.

Senator WATKINS. Well, that has been overruled.

Mr. FEISE. That is right. And because that is overruled, I go to the fifth amendment. I think the first amendment ought to have more weight than it does.

Chairman EASTLAND. Wait just a minute. He asked you a question about the fifth amendment. Answer the question.

Senator WATKINS. We will get along lots better.

Mr. FEISE. You don't have to get mad. I am explaining how I feel in this thing.

Chairman EASTLAND. I know, but your answers have got to be responsive to the questions. Now, answer the question.

Mr. FEISE. All right. I have already stated, Senator, that the fifth amendment is a shield of the innocent as well as the guilty. The fifth amendment means that no one has to testify against himself if he thinks the testimony that is asked for may be turned against him. Not that it is against him, but that it may be turned against him.

Senator WATKINS. I ask you, if you answered truthfully, it is your belief that it might be used against you and could be used against you?

Mr. FEISE. Senator, I am not an attorney.

(The witness conferred with his counsel.)

Senator WATKINS. You have had advice from your lawyer. Now tell us what your answer is going to be.

Mr. FEISE. My lawyer points out this is a complicated question, and I agree with him. And I would like to point out to you, Senator, that you are a lawyer, and I am not.

Senator WATKINS. Just a moment.

Mr. FEISE. And I think you have me at a little bit of a disadvantage here.

Senator WATKINS. I have no one at a disadvantage. You know in your own mind whether you fear that telling the truth might implicate you and might furnish evidence against you, and you are the one that knows it, not me. And that is not complicated.

Mr. FEISE. Well, sir, I have no fear.

Senator WATKINS. You do not fear that it might incriminate you if you gave a truthful answer?

Mr. FEISE. I have no fears whatsoever. I just think that it is my right not to answer, and that I shouldn't answer. Now, would you like me to explain—

Senator WATKINS. Even though—let's get it clear—even though you know in your own mind it might not incriminate you?

Mr. FEISE. Even though. Before this committee I would not answer.

Senator WATKINS. It is just because it happens to be this committee, and you are using that as a shield?

Mr. FEISE. Well, that is what we are dealing with.

Senator WATKINS. I understand.

Chairman EASTLAND. Answer the question.

Mr. FEISE. We are dealing with this committee; yes.

Senator WATKINS. We want to know—you are basing it on some constitutional right, and we want to know how far that constitutional right goes. We are getting some pretty queer interpretations, judging

by what you have said and by the objections you have placed in here, and we want to investigate even that question, now, as to just how far a person should be permitted to go under the fifth amendment.

The courts have rather—they have construed that particular objection, and the claim that may be made under it. But as I understand it, it has to be an honest belief that if you gave a truthful answer to the question, it might incriminate you.

Now, counsel doesn't need to shake his head. It won't do any good.

Mr. WITTENBERG. Sir, the witness does not have a chance to answer.

Senator WATKINS. Just a minute. This is not a trial. You are not in a position of a trial. We are calling witnesses here to furnish information to this committee and to the United States Congress; and a man, before he is ever tried, would have an opportunity to appear before the jury, if he demanded a jury, he would have an opportunity to have his counsel there.

We are merely trying to get information as to the operation of this Security Act; and since I have been hearing these witnesses, I think we also ought to go further into the question of the fifth amendment, and the claims that are being made under it, as they meet and are governed now by modern conditions, conditions that the people who drafted even the Bill of Rights never dreamed would ever happen in America. We never dreamed we would have a party that would be here as, apparently, a political party, and at the same time be the instrument of a foreign government.

And we have a right now to go into the investigation of the operations of that party and its sponsor, the foreign government, on American security, and that is the purpose of this investigation.

Mr. FEISE. Sir, you have a very novel interpretation of American history, I must say.

Senator WATKINS. Now, that is not the question I have asked you. I am trying to get at the point you keep turning away from, whether you have an honest belief that if you answered this question truthfully, it might incriminate you. And, of course, you are sworn to tell the truth, and that would be implied in the question.

Will you answer that question?

Mr. FEISE. It sounds like a question about questions about questions.

Senator WATKINS. Will you answer the question?

Chairman EASTLAND. Read him the question.

Senator WATKINS. You can tell me that, "Yes" or "No," or whether you won't answer.

Chairman EASTLAND. Read the question.

Mr. FEISE. May I ask my lawyer what this all about?

Senator WATKINS. Yes. Ask him. He is doing the talking. You did not ask him anything.

Mr. FEISE. He heard me tell you, what this is all about. What is this all about?

Chairman EASTLAND. All right, we will waive the technicality.

Senator WATKINS. The reason I am cautious on this matter, the lawyer is not testifying. You are the witness. And ordinarily, witnesses are not permitted to have lawyers advising you on how to testify.

Mr. FEISE. He is not advising me on how to testify, Senator. He is just advising me on the legal questions involved.

Senator WATKINS. I assume that he is.

Now, go ahead and answer the question. What is going to be your answer, since you got his advice?

Mr. FEISE. Senator, I have said that I do not—that I cannot and will not answer your questions, on the grounds stated in my statement, including the fifth amendment.

Senator WATKINS. I won't pursue it any further. The lawyers can take a look at it, look it over, and see whether or not there is a violation of the rules of the committee that are not in conflict with the Constitution.

Mr. MORRIS. I have no more questions, Senator.

Senator JENNER. I have no further questions.

Chairman EASTLAND. I am going to excuse you now, sir, but you are retained under the subpoena, and you are subject to call again.

Mr. WITTENBERG. At what time, Senator?

Chairman EASTLAND. We will let you know.

Mr. MORRIS. Mrs. Feise, will you take the stand, please?

Chairman EASTLAND. Would you hold your hand up?

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Judiciary Committee of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FEISE. I do.

#### TESTIMONY OF MRS. WINIFRED FEISE; ACCOMPANIED BY BENJAMIN E. SMITH, HER COUNSEL

Mr. MORRIS. Counsel, will you make your appearance for the record, please?

Mr. SMITH. Counsel representing Mrs. Feise, Benjamin E. Smith, attorney—

Senator WATKINS. I cannot hear you.

Mr. SMITH. Benjamin E. Smith, attorney qualified to practice in all the courts of the State of Louisiana and the Federal courts.

Mr. MORRIS. Mrs. Feise, will you give your name and address to the reporter, please?

Mrs. FEISE. Winifred Feise.

Mr. MORRIS. Speak up.

Mrs. FEISE. I thought it was for the reporter.

Mr. MORRIS. We would like to know it, too.

Mrs. FEISE. Winifred Feise, F-e-i-s-e, 246 Glenwood Drive.

Mr. MORRIS. Mrs. Feise, was your occupation that of assistant librarian of the Isidore Newman School at New Orleans?

(The witness conferred with her counsel.)

Mrs. FEISE. Yes.

Mr. MORRIS. I see. For how long have you occupied that position?

(The witness conferred with her counsel.)

Mrs. FEISE. Three years.

Senator WATKINS. What was that?

Mr. MORRIS. How long?

Mrs. FEISE. Three years.

Mr. MORRIS. Have you done part-time work for the Port Travel Service that was run by your husband?

(The witness conferred with her counsel.)

Mrs. FEISE. I was a part-time voluntary; I was not a paid member personnel.

Mr. MORRIS. Have you been an officer of the Parent-Teachers Association of Jefferson Parish?

(The witness conferred with her counsel.)

Mrs. FEISE. I object to the jurisdiction, power and jurisdiction, of the subcommittee to inquire into: (a)——

Chairman EASTLAND. Wait just a minute, now.

Mrs. FEISE. Yes, sir.

Chairman EASTLAND. List your reasons, and I will let you place the statement in the record, in full.

(The statement of objections referred to was marked "Exhibit No. 202" and was filed in the subcommittee records.)

Mr. MORRIS. And this——

Chairman EASTLAND. If you object to answering, list your reasons.

Mr. MORRIS. I would like to point out, the question is: Has the witness been an officer of the Parent-Teachers Association of Jefferson Parish?

Mrs. FEISE. This is a question which I cannot answer because, to start with, among other things——

Chairman EASTLAND. Wait a minute. You say you cannot answer the question?

Mrs. FEISE. Correct——

Chairman EASTLAND. All right, now——

Mrs. FEISE. Because it is a question into my associational activities.

Chairman EASTLAND. Wait just a minute, please, ma'am.

Mrs. FEISE. Yes, sir, Senator.

Chairman EASTLAND. I am going to take the full document into the record.

Now, anything except—any objection except the fifth amendment will be overruled.

Mrs. FEISE. I understand that, Senator.

Chairman EASTLAND. Do you avail yourself of the fifth amendment?

Mrs. FEISE. Senator——

Chairman EASTLAND. Wait; just answer the question.

Mrs. FEISE. Senator, you called these hearings, and I would like to answer that question so that it can be well understood.

Chairman EASTLAND. Answer—wait just a minute, now. Answer my question: Do you avail yourself of the fifth amendment?

Mrs. FEISE. I certainly do avail myself of the fifth, first, fourth, eighth, ninth, the Bill of Rights, which gives an innocent citizen protection, in the Constitution of the United States.

Chairman EASTLAND. Yes, ma'am. If you are innocent, you will be very glad to answer the question.

Mrs. FEISE. Do you remember the witches of Salem, the innocent women who had to run in hiding because they were innocent, not because they were guilty?

Chairman EASTLAND. Yes. You would be glad to answer the question, now.

Mrs. FEISE. I feel very much like a witch from Salem right now.

Chairman EASTLAND. Wait just now.

Mr. Attorney, do you want that in the record?

Mr. SMITH. Mr. Senator, I am here to advise this witness as to her rights. Now, as to what she puts in the record, I have no control over, sir.

Chairman EASTLAND. Of course, I have control over what goes into the record, and the only thing that would be admitted is the fifth amendment.

(The witness conferred with her counsel.)

Mr. MORRIS. Mr. Chairman, I might observe, we have here in the courtroom a witness that we plan to ask to testify later on, but in view of the response of the witness to the last question, I suggest we interrupt the testimony now to ask Mrs. Lois Wolsch to take the stand.

Will you stand aside, please?

Chairman EASTLAND. Temporarily.

Will you hold your hand up?

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Judiciary Committee of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WOLSCH. I do.

### TESTIMONY OF MRS. LOIS WOLSCH, NEW ORLEANS, LA.

Mr. MORRIS. Will you give your name and address to the reporter, Mrs. Wolsch?

Mrs. WOLSCH. I am Mrs. Lois Wolsch, 505 Glendale Boulevard.

Mr. MORRIS. How do you spell your name?

Mrs. WOLSCH. W-o-l-s-c-h.

Mr. MORRIS. Are you active in the Parent-Teachers' Association?

Mrs. WOLSCH. Yes, I am president.

Mr. MORRIS. Will you tell us of your activities?

Mrs. WOLSCH. I am the present president of the Metairie Junior High School Parent-Teachers' Association.

Mr. MORRIS. Do you recognize the witness, Mrs. Richard Feise, Mrs. Winifred Feise, who has just testified before this subcommittee?

Mrs. WOLSCH. Yes, I do.

Mr. MORRIS. Who is she?

Mrs. WOLSCH. She is at present—well, I tell you, she had asked me to relieve her of her duties because of a coming baby about September. She was my legislative chairman for the unit.

Prior to that, she was vice president—

Mr. MORRIS. She was legislative chairman of the unit?

Mrs. WOLSCH. Yes, for our schools.

Mr. MORRIS. Do you have anything in your files that would indicate her activity in that organization?

Mrs. WOLSCH. Here I have—These records that I have here are when she was vice president, for the years of 1953-54, and 1954-55.

Mr. MORRIS. And these records, together with your knowledge and your experience with this woman, indicate very clearly that she has been active in the Parent-Teachers' Association of Jefferson County?

Mrs. WOLSCH. Yes.

Mr. MORRIS. There is no doubt about it at all, is there?

Mrs. WOLSCH. No.

Senator WATKINS. May I ask, is there anything in the activities of this Parent-Teachers' Association that might incriminate anybody, that you know of?

Mrs. WOLSCH. Not that I know of.

Senator WATKINS. I think you are right. I never heard of one that did anything but good. They always do good. It is one of the finest organizations we have in the whole country.

Mrs. WOLSCH. Thank you.

Mr. MORRIS. Mr. Chairman, may we receive for the record—Mr. Chairman, may I ask the witness to offer those records?

Mrs. WOLSCH. This is also another thing that I have here, which is a membership blank filled out this present year, stating that she wanted—they, Richard and Winifred Feise, 246 Glenwood Drive, and the phone number, and her child in our school, and her signature is here, and then she paid her dollar for her dues. It is per family unit.

Chairman EASTLAND. Yes, sir. They will be admitted in the record as exhibits to the testimony of this witness.

(The documents referred to were marked "Exhibit No. 203," and were filed with the subcommittee.)

Mr. MORRIS. And we will photostat them, so you will have your original files back.

Mrs. WOLSCH. Yes.

Mr. MORRIS. Thank you very much, Mrs. Wolsch.

Mrs. Feise, will you please resume the stand?

#### TESTIMONY OF MRS. WINIFRED FEISE—Resumed

Mr. MORRIS. Mrs. Feise, have you been active in the professional branch of the Communist Party in New Orleans?

(The witness conferred with her counsel.)

Mrs. FEISE. I refer to the objections which you already have written into the record, and I stand on the first and fifth amendments, of my refusal to answer that question.

Mr. MORRIS. Mrs. Feise, can you remember a meeting in New Orleans on April 1, 1951, a meeting of the Communist Party, at which the subject of discussion was whether a women's committee should be formed for the Communist Party? Do you remember such a meeting in New Orleans?

The date is April 1, 1951.

(The witness conferred with her counsel.)

Mr. MORRIS. And the place is 1505 St. Bernard Avenue in New Orleans.

Mrs. FEISE. I object on the same grounds that I have already submitted in my objections to the convening of this committee.

Chairman EASTLAND. Wait just a minute, now. They are overruled. Let's save time. If it is the fifth amendment, say that.

Mrs. FEISE. You have overruled them, but to me they are still important.

Chairman EASTLAND. Yes, I have overruled them. Is it the fifth amendment?

Mrs. FEISE. I must use the fifth amendment, of course.

Chairman EASTLAND. All right.

Mr. MORRIS. Did you make the recommendation at that meeting—and that was a meeting of the State committee of the Communist

Party—that a women's committee should be formed, and did you urgently make that recommendation to the meeting at that time?

Mrs. FEISE. I refuse on the same grounds, Senator.

Mr. MORRIS. Do you recall that there was a discussion at that meeting as to whether the Communist Party framework should be changed so that each group would contain 3 members instead of 5 members—rather, 5 members instead of 3 members?

Mrs. FEISE. I object on the same grounds, Senator.

Chairman EASTLAND. That is the fifth amendment?

Mrs. FEISE. Correct, Senator.

Mr. MORRIS. Did you take the position that you wanted that change effected because your group, in fact, contained 5 members?

Mrs. FEISE. I object to answering this question on the grounds already stated by me and submitted in my entire brief.

Mr. MORRIS. Will you tell us, Mrs. Feise, the names of the five people who were in your unit on April 1, 1951?

Mrs. FEISE. Is that a serious question?

Mr. MORRIS. It is, Mrs. Feise.

Mrs. FEISE. I refuse to answer on the same grounds.

Chairman EASTLAND. That is the fifth amendment?

Mrs. FEISE. Correct.

Chairman EASTLAND. Well, say it.

Mr. MORRIS. Did you attend school at the University of Chicago between the years 1935 and 1938?

Mrs. FEISE. I refuse to answer.

Mr. MORRIS. Were you active in an organization called the Nato Schilling Communist group on the campus of the University of Chicago at that time?

Mrs. FEISE. I refuse to answer.

Chairman EASTLAND. Answer the question.

Mrs. FEISE. I refuse to answer the question, sir.

Senator JENNER. On what grounds, Mr. Chairman?

Mrs. FEISE. On the grounds of the fifth amendment and the rest of my objections, including the first amendment.

Mr. MORRIS. Mr. Chairman, my spelling of that organization is N-a-t-o S-c-h-i-l-l-i-n-g.

Now, Mrs. Feise, have you been liaison between the professional group of the Communist Party and the Communist Party organization here in New Orleans?

Mrs. FEISE. I refuse to answer that question on the same grounds.

Mr. MORRIS. Did you in fact collect money from the professional group and turn it over to the district organizer of the Communist Party?

Mrs. FEISE. I refuse to answer on the grounds that I have objected to, that this is an inquiry into my political beliefs, personal and private affairs, and associational activities, which are protected under the Bill of Rights of the United States of America—

Chairman EASTLAND. The previous objection was overruled.

Mrs. FEISE (continuing). And which includes the fifth amendment.

Chairman EASTLAND. I thought you would.

Mr. MORRIS. Mrs. Feise, have you worked in church groups?

Mrs. FEISE. I refuse to answer on the same basis, Judge Morris.

Mr. MORRIS. Have you received instructions from your Communist Party superiors to work in church groups?



Mrs. FEISE. I refuse to answer on the same grounds.

Mr. MORRIS. Do you know a gentleman named Irving Goff, a Communist Party organizer in New Orleans? Have you known him?

Mrs. FEISE. I refuse to answer on the same grounds.

Aren't you getting bored?

Mr. MORRIS. Did you and Mr. Feise make a trip to Rome, Paris, and other European cities, in late 1951?

(The witness conferred with her counsel.)

Mrs. FEISE. I object. This is an activity, an associational activity of mine; it is my private life.

Chairman EASTLAND. We have information that it was not an associational activity, lady. So answer the question.

Mrs. FEISE. I refuse to answer. Your information may be invalid. We know this is an era of paid informers.

Chairman EASTLAND. Answer it.

Mrs. FEISE. And you may have a paid informer, and I could not possibly answer such a question.

Chairman EASTLAND. If my information is invalid, we will be glad to correct it.

Mrs. FEISE. Good.

Fifth amendment, right down the line.

Chairman EASTLAND. That is what I thought. It was not an associational trip.

Mrs. FEISE. It certainly was. But I have to use a protection that our forefathers guaranteed us when they drew up and then when the amendments were passed.

Chairman EASTLAND. Proceed, Mr. Counsel.

Mr. MORRIS. Mr. Chairman, I have here some records from the Isidore Newman School, and I offer them for the record.

I would like to present them to the witness, to ask her if there is anything inaccurate about these particular records.

Mrs. FEISE. I refuse to answer.

Mr. MORRIS. Show those to the witness, Mr. Mandel.

(Documents shown to the witness.)

(The witness conferred with her counsel.)

Mrs. FEISE. You know, Senator, I don't think this committee is really going after the purposes of legislation. I think you are using sort of undue infamy, and I just cannot cooperate—

Chairman EASTLAND. What you think is beside the point.

Mrs. FEISE. Well, it is important, because you like this hearing for what you think, so people know what you think.

Chairman EASTLAND. Yes.

Mrs. FEISE. And I have a feeling that people must know why people like me refuse to cooperate with you, sir.

Chairman EASTLAND. And what the American Congress thinks, I think—

Mrs. FEISE. What about what the Supreme Court thinks, Senator?

Chairman EASTLAND. Wait just a minute. I think what the Congress thinks is very valid in the field in which the Constitution gives Congress the power.

Now, answer the question.

Mrs. FEISE. I refuse to answer the question.

Chairman EASTLAND. Is that the fifth amendment?

Mrs. FEISE. It certainly is.

Mr. MORRIS. Mr. Chairman, may Mr. Mandel identify those documents, and they may become an exhibit of this public record this morning.

Mr. MANDEL. I have here photostat of a check No. 1010, dated December 20, 1955, from the Newman School at 1831 Jefferson Avenue, New Orleans, made out to W. Feise, for the amount of \$168——

Mrs. FEISE. Do you think that is necessary, to put the amount of a person's salary in a hearing of this sort? I think you might protect the institution involved, even if you want to "infame" me, sir.

Chairman EASTLAND. Proceed, sir.

Mr. MANDEL. Made out in the amount of \$168.60, on the Whitney National Bank, endorsed on the back, "For deposit by W. Feise."

Mr. MORRIS. Just give a general description, will be enough for our purposes.

Mr. MANDEL. There is a teacher's application, Isidore Newman; the name of Winifred Feise, dated March 12, 1953. A letter to Mrs. Winifred Feise from the director of the Isidore Newman School, E. S. Kalin, dated March 14, 1955, and another letter from the Isidore Newman School, E. S. Kalin, director, to Mrs. Richard Feise, dated June 25, 1953.

Mr. MORRIS. May they be marked as the next exhibit.

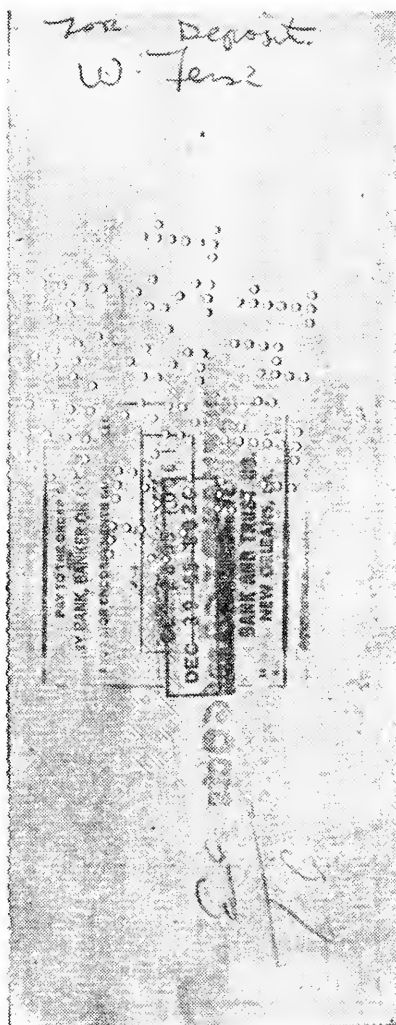
Chairman EASTLAND. Yes.

(The check referred to was marked "Exhibit No. 204 and 204-A," and appears on a following page.)

## EXHIBIT 204

PAY TO THE ORDER OF <i>W. F. W.</i>		PAYROLL CHECK No. 1010	
NEWMAN SCHOOL 1831 JEFFERSON AVE. - NEW ORLEANS, LOUISIANA		DATE <i>Dec 30 - 1947</i> \$ <i>168.60</i>	
PAY TO THE ORDER OF <i>W. F. W.</i>		NEWMAN SCHOOL PAYROLL ACCOUNT	
WHITNEY NATIONAL BANK OF NEW ORLEANS NEW ORLEANS, LOUISIANA		\$ <i>168.60</i> DOLLARS	
14.17 000		DIRECTOR <i>E. S. [Signature]</i> TREASURER <i>Dr. [Signature]</i>	

EXHIBIT 204-A



(The application referred to above was marked "Exhibit No. 204-B" and appears below:)

## EXHIBIT 204-B

TEACHER'S APPLICATION  
ISIDORE NEWMAN SCHOOL

1831 Jefferson Avenue

New Orleans 18, La.

Name Winifred Feise Date March 12, 1953  
 Home Address 246 Glenwood Drive Phone Cedar 9688  
 Position applied for Elementary Librarian  
 Age 34 Ht. 5'4" Wt. 110 lb. Marital status Married Children two  
 Religious affiliation none Ancestral nationality American  
 Academic Preparation:  
 Highschool 1931-1935 Dates Degrees  
 College University of Chicago 1935-'39 BA  
 Postgraduate \_\_\_\_\_  
 Teaching Certificate: (class, number, subjects, and grades specified, etc.) \_\_\_\_\_

Experience: (school, grade, subjects, location, dates, of service, etc.)

I have worked at summer camps with young children, from time to time have worked in the community under working on various recreation projects.

References: (include head of last school in which you taught)

Mrs. Frances Hurdley

Last salary \$

What salary will you accept? \$

It will be necessary to have a transcript of college and professional courses, and Confidential Information from the training school. If this will not contain a recent photograph, please supply one.

On the back please write a paragraph about your extracurricular activities, honors, etc., in high school and college. Also a paragraph about yourself personally, your interests, hobbies, attitudes, travel tolerance, etc. so that the Committee may feel it knows you. Include statements of how you can be valuable to the school outside classroom teaching.

## EXHIBIT No. 204-C

ISIDORE NEWMAN SCHOOL,  
New Orleans, La., March 14, 1955.

Mrs. WINIFRED FEISE,  
Newman School,  
New Orleans, La.

DEAR MRS. FEISE: The school committee has approved our recommendation that you be appointed to a full-time position next session, and has voted to in-

crease your salary to \$2,000. Full-time position entitles you also to free tuition for your children in attendance at our school.

Will you please sign the acceptance form below and return this to me, keeping the duplicate for your records.

With appreciation of your fine work, and with warm personal regards, I am  
Cordially yours,

E. S. KALIN, *Director*.

I hereby accept appointment of session 1955-56 as specified above.

Date April 21

(Signed) WINIFRED FEISE.

EXHIBIT No. 204-D

ISIDORE NEWMAN SCHOOL,  
New Orleans 15, La., June 25, 1953.

Mrs. RICHARD FEISE,  
New Orleans, La.

DEAR MRS. FEISE: Checking my records, I find I did not write you confirming your appointment as assistant librarian in charge of lowerschool library. Please accept my apologies for the oversight.

This is to ask you to continue the position next session at the budgeted salary of \$1,200. Will you please sign the acceptance below and return this for my files, retaining the duplicate for your records.

With best personal regards, I am  
Sincerely,

E. S. KALIN, *Director*.

I hereby accept appointment as assistant librarian for session 1953-54 at an annual salary of \$1,200.

(Signed) WINIFRED FEISE.

Date July 8, 1953.

Mr. MORRIS. Mrs. Feise, I offer you a picture which the committee has been informed was taken at the Civil Rights Congress in Jackson, Miss., on July 26 or 27 of 1950, and ask you if, to your knowledge, that is a picture of you, and if the description that has been given to the committee of that particular meeting is accurate or not.

(Document exhibited to the witness.)

(The witness conferred with her counsel.)

Mrs. FEISE. I refuse to answer the question, Senator.

Mr. MORRIS. Mrs. Feise—

Chairman EASTLAND. Wait just a minute.

What are your grounds?

Mrs. FEISE. The usual grounds, Senator.

Chairman EASTLAND. The fifth amendment?

Mrs. FEISE. Correct.

Mr. MORRIS. Mr. Chairman, may that be admitted as an exhibit?

(The photograph referred to was marked "Exhibit No. 205", and appears on a following page.)

Mr. MORRIS. Mr. Chairman, may I ask the witness if she in fact spoke in Jackson, Miss., at a Civil Rights Congress on the 26th or 27th of July in 1950?

(The witness conferred with her counsel.)

Mr. MORRIS. Will you answer the question, Mrs. Feise?

Mrs. FEISE. I need time, sir, to think just how I want to answer this question.

Chairman EASTLAND. All right.

Mrs. FEISE. Senator, I refuse to answer that question on the grounds of the fifth amendment, but I think we are getting into the "knitty-gritty" of this hearing, now that you mention the question—

## EXHIBIT 205



Chairman EASTLAND. Yes. You do not want to give your country any information.

Mrs. FEISE. Information, sir?

Chairman EASTLAND. Yes.

All right, you availed yourself of the fifth amendment.

Proceed.

Mr. MORRIS. Mrs. Feise, were you asked by the United States State Department to surrender your passport after the completion of your trip to Europe which commenced in 1951?

Mrs. FEISE. I refuse to answer, on the basis of the fifth amendment.

Mr. MORRIS. Was your passport No. 2439, issued on October 15, 1951?

Mrs. FEISE. I refuse to answer.

Chairman EASTLAND. Now, isn't it a fact, or is it a fact, that you and your husband went to Europe on a mission for the Communist Party?

Mrs. FEISE. I refuse to answer that, Senator. You know the truth as well as I do, and if it weren't for the era of paid informers—we might have a private debate sometime.

Chairman EASTLAND. What is your ground for refusing to answer the question?

Mrs. FEISE. Afraid it might incriminate me.

Chairman EASTLAND. Afraid it might incriminate you. I am sure of that.

Proceed.

Mr. MORRIS. In view of the present responses of this particular witness, Mr. Chairman, I have no more questions at this particular time.

Senator JENNER. I have no questions.

Senator WATKINS. I have none at this time. I think the witness ought not be released from this subpoena until we finish the hearings.

Chairman EASTLAND. That is right.

Mr. SMITH. Will you inform us of the time you want her to return?

Chairman EASTLAND. Yes, but I want you to stay here until any time we might need you.

Mr. Smith, come here.

(Discussion off the record.)

Chairman EASTLAND. I understand that this lady is feeding a baby, and for that reason I am going to let her go, but she will come back in the morning.

Mr. MORRIS. Mrs. Pauline Feuer, please, come forward.

Chairman EASTLAND. Hold your hand up, please, ma'am.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FEUER. I do.

#### TESTIMONY OF MRS. PAULINE FEUER, NEW ORLEANS, LA., ACCOMPANIED BY PHILIP WITTENBERG, HER COUNSEL

Mr. MORRIS. Mr. Chairman, this particular witness is being called in connection with the hearings the Internal Security Subcommittee is holding in connection with the extent and nature of Soviet activity in the United States.

The committee is holding this series of hearings in order to determine whether or not additional legislative action may be necessary or should be recommended by the subcommittee.

Mrs. Feuer, will you give your name and address to the reporter, please?

Mrs. FEUER. Yes. My name is Mrs. Pauline Feuer. I live at 2224 General Taylor, New Orleans.

Mr. MORRIS. Are you the widow of Joseph S. Feuer?

Mrs. FEUER. I am the widow of Joseph S. Feuer.

Mr. MORRIS. Now, what is your present occupation, Mrs. Feuer?

Mrs. FEUER. I am a student at the School of Social Work of Tulane University.

Mr. MORRIS. Are you employed at the Hutchinson Memorial as a psychiatric social worker?

Mrs. FEUER. I am not employed there.

Mr. MORRIS. Have you been so employed?

Mrs. FEUER. I have never been employed so.

Mr. MORRIS. What employment—will you tell us of your other employment in New Orleans?

Mrs. FEUER. I would be delighted to. I am rather proud of the record.

I have had one job. I have worked for the juvenile court as a probation officer between school terms during this past summer.

Mr. MORRIS. Did you receive your bachelor's degree at Tulane University in 1955?



Mrs. FEUER. I did.

Mr. MORRIS. What other employment have you had in New Orleans in the last few years?

Mrs. FEUER. I have not been employed elsewhere in New Orleans.

Mr. MORRIS. Where were you born, Mrs. Feuer?

Mrs. FEUER. I was born in Philadelphia.

Mr. MORRIS. What was your formal education in Philadelphia?

Mrs. FEUER. I am a graduate of the Philadelphia Normal School.

Mr. MORRIS. What year did you graduate from the Philadelphia Normal School?

Mrs. FEUER. I am not sure. I think it was 1928.

Mr. MORRIS. Mr. Chairman, may the record show that Mr. [Philip] Wittenberg is appearing as counsel for this witness.

Were you a teacher in the Philadelphia School of Social Sciences in Philadelphia?

Mrs. FEUER. I was. I taught current events there.

Mr. MORRIS. In what year was that?

Mrs. FEUER. I am sorry; I don't recall exactly.

Mr. MORRIS. Could you estimate it for us, Mrs. Feuer?

Mrs. FEUER. I can't. It was in the thirties, and probably around 1935, but I am not sure of the date. It was quite a while ago.

Mr. MORRIS. Mrs. Feuer, were you a member of the Communist Party while you taught at that school?

Mrs. FEUER. Gentlemen, I am not a Communist.

Mr. MORRIS. I didn't ask you that.

Mrs. FEUER. And I wish to say this—

Chairman EASTLAND. Wait just a minute, please, ma'am. Now, we will get along better if the answer is responsive to the question.

Counsel asked you if you were a member of the Communist Party—

Mrs. FEUER. I heard—I am sorry, Senator Eastland.

Chairman EASTLAND. Wait just a moment. When you taught in Philadelphia, which was around, you said, 1935. Now, answer that question, please, ma'am.

(The witness conferred with her counsel.)

Mrs. FEUER. I am not a member of the Communist Party. I object—

Chairman EASTLAND. Wait just a minute.

Mrs. FEUER. I object—I hereby respectfully object to the power and jurisdiction of the subcommittee—

Chairman EASTLAND. Wait just a minute.

Mrs. FEUER. I would like to read my objections.

Chairman EASTLAND. I am going to admit it into the record. Do you avail yourself of the fifth amendment?

Mrs. FEUER. I do not avail myself of the fifth amendment.

Chairman EASTLAND. Now—

Mrs. FEUER. Now, Senator Eastland—

Chairman EASTLAND. Wait just a minute. I know your kind of people.

Mrs. FEUER. I will not be impugned by being called my kind of people.

Chairman EASTLAND. I understand.

I am going to let you state your objections in full.

Mrs. FEUER. Senator Eastland, you have impugned me on two occasions in this committee. I sat in this audience and heard you tell that my husband's death, a personal tragedy that affected my children and me, was tied up with some kind of miasma that you gentlemen have thought up. I think my children, myself, and my private life should be kept out of this.

How indecent can you get?

Chairman EASTLAND. State your objections.

Mrs. FEUER. I have stated my objections as a human being, and to hear here further—

Chairman EASTLAND. State them.

Mrs. FEUER. I want to finish this, if you please.

I hereby object to any inquiry into my political beliefs, my personal and private affairs, and my associational activities, and whatever personal tragedies have occurred in my life that have made life difficult for my two small children; I object to this inquisition, and I object on the following grounds, grounds handed down by the Supreme Court of the United States, behind which I stand firmly.

I have never yet, once in my life, attempted any kind of organized resistance against a Supreme Court decision. I shall not do it now.

And any investigation into my political beliefs, my personal and private affairs, and my associational activities, is an inquiry into personal and private affairs, which is beyond the powers of this subcommittee.

I rely not upon my own opinion. I am not a lawyer; I am a social worker interested in the welfare of human beings. But I rely upon the statements contained in the opinions of the Supreme Court of the United States. They are good enough for me, gentlemen.

Among others, the Rumely case:

The power of investigation is also limited. Inquiry into personal and private affairs—

and, may I say, personal tragedy—

is precluded.

I rely on the McGrain and Daugherty case:

Neither House is invested with general power to inquire into private affairs and to compel disclosures.

I don't want to read the rest of this, gentlemen, but I do want to say that if I am guilty of a crime, I wish to be tried before a court of the United States.

(The statement of objections was marked "Exhibit No. 206" and reads as follows:)

#### EXHIBIT No. 206

1. I am not a Communist, I hereby respectfully object to the power and jurisdiction of the subcommittee to inquire into—

- (a) My political beliefs.
- (b) Any other personal and private affairs.
- (c) My associational activities.

2. I object on the following grounds:

(a) Any investigation into my political beliefs, any other personal and private affairs, and my associational activities, is an inquiry into personal and private affairs which is beyond the powers of this subcommittee. I rely not upon my own opinion but upon statements contained in the opinions of the Supreme Court of the United States. Among others, in *United States v. Rumely* (345 U. S. 41, 58), the Supreme Court of the United States said in a concurring opinion by Mr. Justice Douglas:

"The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

In *McGrain v. Daugherty* (273 U. S. 135), the Court said:

"Neither House is invested with 'general' power to inquire into private affairs and to compel disclosures."

And in *Kilbourn v. Thompson* (103 U. S. 168), the Court said:

"Neither the Senate nor the House of Representatives 'possesses the general power of making inquiry into the private affairs of the citizens'."

In *West Virginia State Board of Education v. Barnette* (319 U. S. 624), the Court, in an opinion by Mr. Justice Jackson said:

"If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

It follows therefore that this subcommittee is without power to examine into my political, associational, and private affairs.

(b) The right to refuse to answer to any official, or indeed to anyone, with regard to one's personal affairs is a valuable right in a democracy which ought not lightly be ceded, or indeed ought ever be impinged upon by any public official. The Congress of the United States is composed of elected officials who have no power to intrude into the private affairs of American citizens. They cannot by resolution increase their constitutional authority. As was said by the Supreme Court of the United States, in *Jones v. Securities and Exchange Commission* (298 U. S. 1):

"The citizen when interrogated about his private affairs has a right before answering to know why the inquiry is made, and if the purpose disclosed is not a legitimate one, he may not be compelled to answer."

And again, in *McGrain v. Daugherty* (273 U. S. 135):

"That a witness rightfully may refuse to answer where the bounds of the power are exceeded."

It was said by Mr. Justice Frankfurter, in *United States v. United Mine Workers of America* (330 U. S. 258, 307):

"The historic phrase 'government of laws and not of men' epitomizes the distinguishing character of our political society. \* \* \* 'A government of laws and not of men' was the rejection in positive terms of rule by fiat, whether by the fiat of governmental or private power. Every act of Government may be challenged by an appeal to law, as finally pronounced by this Court."

And again, in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertions of authority."

Within the meaning of these decisions I regard it as one of the duties of a citizen of the United States to be vigilant against the accretion of dangerous power. I call to the attention of this subcommittee the opinion of Mr. Justice Douglas, in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579), that even the cold war and the emergencies said to have been created thereby, "did not create power."

(c) Under the first amendment to the Constitution the power of investigation by Congress in matters involving freedom of speech and freedom of the press is limited. There can be no investigation except for the purpose of legislation. As was said by Mr. Justice Van Dervanter, in *McGrain v. Daugherty* (273 U. S. 135, 178):

"The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating."

The Congress of the United States has no constitutional right to legislate with regard to prior restraint on utterance; no ex post facto law can be passed determining innocence or criminality, and therefore any investigations into my speech or communications is beyond the power of this committee. As was said by Mr. Justice Douglas, in *United States v. Rumely* (345 U. S. 41, 58):

"Through the harassment of hearings, investigations, reports, and subpoenas Government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. Inquiry into personal and private affairs is precluded."

(d) Under our Constitution our Government is a government of limited powers, tripartite in form, consisting of the legislative, the judicial, and the executive. This separation is fundamental to the preservation of the rights of the people in order that no one department may, through its power, rise to become a despotic arbiter.

In the absence of proposed legislation there can be no investigation, for all powers not expressly granted or necessarily implied are reserved to the people. Neither of the tripartite departments of our Government can claim any residual power as a basis for acting. In order that there might be no doubt about the limitations of power and the wish not to grant residual power the citizens of the several States insisted on the insertion in the Bill of Rights of amendment 9:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

They reinforced amendment 9 by amendment 10:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This Congress and the committees appointed by it can enjoy only the powers expressly granted in the Constitution or necessarily implied therefrom. Senators or committeemen thereof as officials of the Government do not have, and cannot arrogate to themselves, a power to intrude into the private affairs of the people of the United States, a power which the people reserve to themselves. The arrogation of power may be curtailed either by an appeal to the courts, or what is to be more hoped for, by the self-discipline of those entrusted with authority. The possibility of petty tyranny is ever present in a democracy unless the body of officialdom is wise and knows that self-limitation is essential to the success of our scheme of government. As Mr. Justice Frankfurter said, in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579):

"A constitutional democracy like ours is perhaps the most difficult of man's social arrangements to manage successfully. Our scheme of society is more dependent than any other form of government on knowledge and wisdom and self-discipline for the achievement of its aims."

This subcommittee through this investigation into my political, associational, and private affairs trespassed upon the judicial department and has caused a lack of balance of power which constitutes a threat to my liberty as an American citizen and is an unconstitutional usurpation. This usurpation has reached the point where the Supreme Court of the United States in *United States v. Rumely* (345 U. S. 41, 44), said:

"And so, we would have to be that 'blind' court, against which Mr. Chief Justice Taft admonished in a famous passage, that does not see what all others can see and understand' not to know that there is wide concern, both in and out of Congress, over some aspects of the exercise of the congressional power of investigation."

No place is that usurpation better seen than in the trespassing by the Legislature upon the judiciary. As was said in *Lighter v. United States* (334 U. S. 742, 779):

"In peace or in war it is essential that the Constitution be scrupulously obeyed, and particularly that the respective branches of the Government keep within the powers assigned to each by the Constitution."

And again, in *Myers v. United States* (272 U. S. 82, 116), by Mr. Justice Taft:

"If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers."

In *Quinn v. United States* (349 U. S. 155-161), the Supreme Court, by Mr. Chief Justice Warren, said:

"But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the executive and the judiciary."

And again, by Mr. Justice Brandeis, in *Myers v. United States* (272 U. S. 52, 293, 71 L. at 160):

"The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to fight friction but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

And again, in *Kilbourn v. Thompson* (103 U. S. 168):

"It is believed to be one of the chief merits of the American system of written constitutional law that all the powers entrusted to governments, whether State or National, are divided into the three grand departments; the executive, the legislative, and the judicial. \* \* \*

"It is also essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others but that each shall by the law of its creation be limited to the exercise of the power appropriate to its own department and no other."

Not only did the founders of our Republic separate the departments of Government, but they also limited the powers of each of those departments. It is a simple statement known to every American schoolchild that our Government consists of separate departments, that the powers of each of those departments is limited, and that all rights not granted to the Government are reserved to the people.

To be specific, Congress has the specific power to legislate granted to it by the Constitution. It has an implied power to investigate which, however, can be no broader than the power to legislate.

But when such self-discipline is not apparent in the actions of any governing body then it becomes the duty of the citizen to challenge that act by an appeal to law. It is that duty which I here feel obliged to maintain (see *United States v. United Mine Workers of America* (330 U. S. 258)).

This subcommittee by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in bills of attainder, being prohibited by our Constitution (art. 1, sec. 10).

The present practices of this committee fall within the condemnation and prohibition of that section.

The Supreme Court said, in *United States v. Lovett* (328 U. S. 303, 317):

"Those who wrote our constitution well know the danger inherent in special legislative acts which take away the life, liberty or property of particular-named persons, because the Legislature thinks them guilty of conduct which deserves punishment. They intended to safeguard the people of this country from punishment without trial by duly constituted courts.\* \* \*

"And even the courts to which this important function was entrusted were commanded to stay their hands until and unless certain tested safeguards were observed. An accused in court must be tried by an impartial jury; has a right to be represented by counsel; he must be clearly informed of the charge against him; the law which he is charged with violating must have been passed before he committed the act charged; he must be confronted by the witnesses against him; he must not be compelled to incriminate himself.\* \* \*

"Our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the Nation of freemen they envisioned. And so they proscribed bills of attainder."

But a bill of attainder need not be the specific bill of attainder referred to in the Constitution. It may be any legislative act taken in connection with known punishments which together constitute a deprivation of civil rights. So to ask us whether I am or have been a member of the Communist Party may have dire consequences. I might wish to defend myself by taking recourse to the protection of the provisions contained in the Bill of Rights or challenge the pertinency of the question to the investigation. Should I invoke the protection of the Bill of Rights and the Constitution I thereby place my livelihood and my position in society in a position of jeopardy. Many of our States, municipalities, educational institutions, the Federal Government itself, and even private employers, have adopted rules of exclusion from employment for persons taking recourse in the Bill of Rights or the Constitution.

The Supreme Court of the United States took cognizance of this condition in 1950, a time when it had not yet reached the full flavor of today. For in 1950, Mr. Justice Black, concurring in *Jolet Anti-Fascist Refugee Committee v. McGrath* (341, U. S. 123, 144, 145, said):

"In this day when prejudice, hate, and fear are constantly invoked to justify irresponsible sneers and persecutions of persons even faintly suspected of entertaining unpopular views, it may be futile to suggest that the cause of internal security would be fostered, not hurt, by faithful adherence to our constitutional guaranties of individual liberty. Nevertheless, since prejudice manifests itself in much the same way in every age and country and since what has happened before can happen again, it surely should not be amiss to call attention to what has occurred when dominant governmental groups have been left free to give uncontrolled rein to their prejudices against unorthodox minorities. \* \* \* Memories of such

events were fresh in the minds of the founders when they forbade the use of the bill of attainder."

And he said further:

"Moreover, officially prepared and proclaimed governmental blacklists possess almost every quality of bills of attainder, the use of which was from the beginning forbidden to both National and State Governments." (United States Constitution, art. I, secs. 9, 10.)

As was said in *United States v. Lovett* (328, U. S., 303, 324), cited by Mr. Justice Black in the preceding opinion:

"Figuratively speaking, all discomfoting actions may be deemed punishment because it deprives of what otherwise would be enjoyed. \* \* \* The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the cause of the deprivation determining this fact."

Upon all the grounds aforesaid I object not only to the jurisdiction of this committee, but also to the questions propounded by it. This objection is made upon the advice of counsel.

Chairman EASTLAND. Now, you are ordered—your objections are overruled.

Mr. Reporter, read the question.

(The question referred to was read by the reporter.)

Mrs. FEUER. I have stated my objections.

Chairman EASTLAND. I order and direct you to answer that question. It is very pertinent to this inquiry.

(The witness conferred with her counsel.)

Mrs. FEUER. I object upon the grounds stated here, and I wish the objection entered into the record, upon advice of counsel.

Chairman EASTLAND. It is admitted, what you read.

Mrs. FEUER. I wish this whole thing submitted.

Chairman EASTLAND. All right.

Now, as I understand, that does not include the fifth amendment.

Mrs. FEUER. It does not include the fifth amendment.

Chairman EASTLAND. All right. I order and direct you, under penalty of contempt, to answer the question.

Mrs. FEUER. I well know the penalty, and at the price of a contempt from this group, I will stand by my Bill of Rights, gentlemen.

Chairman EASTLAND. I order and direct you to answer the question.

Mrs. FEUER. I object, Senator.

Chairman EASTLAND. Now, that is overruled. Answer the question.

Mrs. FEUER. I object, Senator, on the grounds stated.

Mr. MORRIS. Do you refuse to answer the question?

Mrs. FEUER. Pardon me?

Mr. MORRIS. Do you refuse to answer the question?

Mrs. FEUER. I object on the grounds stated in that document I have handed you.

Mr. MORRIS. But apart from that, do you refuse to answer?

Mrs. FEUER. I refuse on the same grounds.

Mr. MORRIS. Have you been employed by the Moscow Department of Education of the Soviet Union?

(The witness conferred with her counsel.)

Mrs. FEUER. I object on the same grounds, gentlemen.

Chairman EASTLAND. The objection is overruled, and you are directed—

Mrs. FEUER. I refuse on the same grounds.

Chairman EASTLAND. And you are directed to answer the question.

Mrs. FEUER. Senator, I refuse, on the same grounds.

Mr. MORRIS. Mr. Chairman, I would like to read into the record at this time the questions and the answers of this witness in this same

courtroom before Senator Watkins, as acting chairman, 2 days ago. The question asked of the witness by counsel was:

Mr. MORRIS. In 1931-32, you were employed as a technician by the Moscow Department of Education, were you not?

Mrs. FEUER. I taught English. I was not a technician. I taught English there at a school called the Technicum. That was when I was on a trip abroad. I had gotten out of normal school, I went to France, I believe, and Germany, and the Soviet Union, and taught English there. It was for a period of approximately 2 or 3 months. But my job was teaching English.

Chairman EASTLAND. The objection is overruled, and she is ordered to answer the question.

(The witness conferred with her counsel.)

Senator JENNER. Let the record show she refused to answer the question.

Mr. MORRIS. Do you refuse to answer that question?

(The witness conferred with her counsel.)

Mrs. FEUER. You have this in the record, and I wish to say one more thing. It might interest you gentlemen that I taught English there, and I used as part of my text the Constitution of the United States. I was doing much the same work that the Voice of America was doing, and I was being paid for teaching English.

Chairman EASTLAND. Who paid you?

Mrs. FEUER. I was paid by the head of the school.

Mr. MORRIS. Who was the head of the school?

Mrs. FEUER. I don't remember, gentlemen. It was in 1930. It was a Russian school; part of the public system of education, as far as I know.

Mr. MORRIS. Were you a member of the Communist Party at that time?

Mrs. FEUER. I have stated my objections to answering that question, and my refusal is based on the same grounds.

Chairman EASTLAND. The objection is overruled, and you are ordered and directed to answer that question.

Mrs. FEUER. Gentlemen—excuse me.

(The witness conferred with her counsel.)

Mrs. FEUER. You have it in my statement, I am not a Communist, and I refuse to answer the question.

Chairman EASTLAND. The question was: Were you a Communist at that time? I order and direct you to answer the question.

Mrs. FEUER. I am not a Communist, and I refuse to answer on the grounds stated in my statement.

Senator JENNER. Mr. Chairman, I do not think the answer is responsive to the question. It is not a question of whether or not you are a Communist now. It is a question of whether or not she was a Communist when she taught in this Russian school and taught English and was paid by the Russian school.

I think the committee is entitled to that information, Mr. Chairman.

Chairman EASTLAND. She is ordered and directed to answer the question.

Mrs. FEUER. Gentlemen, for the fourth time, I refuse. I am not a Communist. This is getting to be inquisitorial.

Senator JENNER. Mr. Chairman, may I ask a question?

Chairman EASTLAND. All right.

Senator JENNER. I think maybe we can clear this matter up.

Are you now or have you ever been a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. FEUER. I am not a Communist. I refuse to answer on the same grounds in there. You are asking me when I stopped beating my children.

Senator JENNER. Mr. Chairman, I request that you order and direct the witness to answer the question: Are you now or have you ever been a member of the Communist Party?

Chairman EASTLAND. Yes. She is ordered and directed to answer the question.

Mrs. FEUER. How many times am I going to be asked the same one, when I have given you my refusal on this? I am not a Communist, and I refuse to answer on the basis of this thing here.

Chairman EASTLAND. As I understand it, you refuse to answer—you state you are not a Communist at the present time, but you refuse to answer as to whether you have previously been a member of the Communist Party.

(The witness conferred with her counsel.)

Senator JENNER. Let the record show, Mr. Chairman, that the witness, before responding to this simple question, confers with her attorney.

Chairman EASTLAND. All right.

Mrs. FEUER. Pardon me, I didn't hear you.

Senator JENNER. It is just a matter for the record.

Mrs. FEUER. I will simply state, I stand on my refusal as stated in my brief.

Mr. MORRIS. Your refusal does not include your privilege against self-incrimination?

Mrs. FEUER. Pardon me?

Mr. MORRIS. Your refusal is not based upon your privilege against self-incrimination?

Mrs. FEUER. It is not based on that, Mr. Morris.

Mr. MORRIS. Mr. Chairman, I therefore suggest you direct the witness to answer the question.

Chairman EASTLAND. She is again directed and ordered to answer the question, under penalty of contempt of the United States Senate.

Mr. MORRIS. Mrs. Feuer, did you attend meetings—

Senator JENNER. Wait a minute.

Mr. MORRIS. Excuse me, Senator.

Mrs. FEUER. I refuse to answer the question on the grounds that I have stated there. I think this is the fifth refusal, Senator.

Chairman EASTLAND. All right.

Mr. MORRIS. Mrs. Feuer, have you attended meetings at the home of Herman Liveright in New Orleans?

(The witness conferred with her counsel.)

Mrs. FEUER. As a matter of principle—I have nothing to hide, and as a matter of principle, I refuse to answer that question.

Chairman EASTLAND. You are ordered and directed to answer the question.

Mrs. FEUER. I refuse on the grounds stated.

Mr. MORRIS. These grounds do not include your privilege under the fifth amendment?

Mrs. FEUER. They do not include the fifth amendment.



Chairman EASTLAND. They are pertinent to this inquiry, ma'am, and you are directed, under penalty of contempt, to answer the question.

Mrs. FEUER. I am very cognizant of that, and I refuse on the basis stated in the document you have in front of you.

Mr. MORRIS. Now, Mrs. Feuer, were you a member of the Communist Party when you attended meetings at the home of Herman Liveright here in New Orleans? Were you a member of the Communist Party at the time when you attended meetings at the home of Herman Liveright in New Orleans?

(The witness conferred with her counsel.)

Mrs. FEUER. I did not attend meetings, and I refuse to answer. You ask it as if it were a fait accompli. Is this fair?

Mr. MORRIS. Did you attend—

Mrs. FEUER. I said I refuse to answer on a matter of principle. But I will not have my good name and my character and my professional position in this community impugned in this way.

Mr. MORRIS. Mrs. Feuer, we are trying to determine exactly what is your position with respect to the Communist Party. That is the purpose of this inquiry.

Mrs. FEUER. Mr. Morris, I am a widow with two small children, whose livelihood I am responsible for. If you so blacken my name that I can get no employment—because this has happened before to innocent people—then your conscience is something that you must live with. Mine is clear.

Chairman EASTLAND. You have nothing to fear by being frank and open.

Mr. MORRIS. Did you attend meetings at the home of the Liverights?

Mrs. FEUER. I refuse to answer on the basis that I have stated.

Mr. MORRIS. Do you remember writing a letter to the New Orleans Item on October 13, 1953, or at least writing a letter that appeared in the New Orleans Item on October 13, 1953, signed "Mrs. Joseph Feuer, chairman of the National—

Chairman EASTLAND. She is conferring with counsel.

Mr. MORRIS (continuing). Chairman, national legislation, Louisiana Parent-Teacher Association"?

Mrs. FEUER. Everyone knows what the PTA stands for. I am not impugning it, but as a matter of principle, I refuse to answer. I am proud of the PTA in America.

Mr. MORRIS. On what basis do you refuse to answer that question?

Mrs. FEUER. On the basis this is an inquiry into my associational activity. These are stated in my brief.

Mr. MORRIS. This does not include your privilege against self-incrimination?

Mrs. FEUER. It most certainly does not.

Chairman EASTLAND. The letter says that you were chairman of national legislation, Louisiana Parent-Teacher Association, which would appear that you were attempting to influence national legislation on behalf of the parent-teacher association at a time when our information is that you were a member of the Communist Party.

Now, I overrule your objection to the question, and I order and direct you to answer the question.

Mrs. FEUER. This is the hardest thing in the world for me to do, to keep quiet.

Chairman EASTLAND. It is not hard for you to tell the truth, be open and frank.

Mrs. FEUER. No. I have something to say here. I have an investment in this Constitution, and on that principle, even with a record I am so proud of in behalf of my work for the children of this State, I refuse to answer, on principle, and my objections are stated in the document you have in front of you.

Senator JENNER. Mr. Chairman, may I state to this witness, we all have an investment in the Constitution. And there is a conspiracy, known as the Communist conspiracy, out to overthrow and destroy this Constitution, and I think the witness should be apprised of that.

I am informed in executive session the record reads like this:

Mr. MORRIS. Mrs. Feuer, are you chairman of the national legislative committee of the Louisiana Parent-Teachers Association?

Mrs. FEUER. No. I was; I am not at present.

Mr. MORRIS. What year was that?

Mrs. FEUER. I believe it ended in 1955. It might have been 1954, Mr. Morris; I am not quite sure.

Mr. MORRIS. And you have written a letter to the editor of the New Orleans Times in the year, I think it was, 1953, with that title?

Mrs. FEUER. Yes, I did. I didn't recall—it was on the appointive school head; I do remember that. Yes, that is my article.

Now, Mr. Chairman, in view of that record in executive session, we need this testimony for open session, and I suggest that the witness be ordered and directed to answer the simple question counsel has asked her.

Senator WATKINS. I also suggest she has waived any protection under the fifth amendment.

Senator JENNER. She is not using the fifth amendment; therefore, she has no protection.

Senator WATKINS. She is waiving any of the other objections.

Senator JENNER. She has opened up the subject, and we are entitled to go into it. The parent-teachers association is a good organization, but if it is being infiltrated by members who are members of the Communist conspiracy, they will destroy the parent-teachers association, too.

Chairman EASTLAND. Or use it as a tool for the Communist Party.

Senator JENNER. Absolutely.

Chairman EASTLAND. I order and direct you to answer the question, and I do that under penalty of contempt if you do not.

(The witness conferred with her counsel.)

Mrs. FEUER. I am no orator, gentlemen; and—may I finish?

Mr. MORRIS. I am sorry.

Mrs. FEUER. I refuse to answer this question, much as I am delighted in everything I believe in with children.

Chairman EASTLAND. All right. I ask you this question, ma'am: Were the questions and answers that Senator Jenner read you true?

Mrs. FEUER. On a matter of principle, because my principles are pretty staunch, gentlemen, I refuse to answer. You have the record before you. Do with it what you will.

Senator JENNER. Mr. Chairman, may I ask the witness a question?

Do you have one set of principles in an open session, and another set of principles in an executive session?

Mrs. FEUER. May I ask the same question of you, Senator.

Senator JENNER. I wasn't at the executive session.

Mrs. FEUER. Then let me ask it of the people who were.

Senator JENNER. I am reading from the record. Is the record true or is the record untrue?

(The witness conferred with her counsel.)

Chairman EASTLAND. Answer his question.

Mrs. FEUER. I stand on my objections and my refusal to answer.

Senator JENNER. Mr. Chairman, I suggest the witness be ordered and directed to answer the question.

Chairman EASTLAND. She is ordered and directed to answer the question.

Mrs. FEUER. I stand on it for the reasons stated in the document.

Mr. MORRIS. And they do not include the privilege against self-incrimination?

Mrs. FEUER. You have repeated that many times, Mr. Morris.

Chairman EASTLAND. Answer it.

Mr. MORRIS. It does not?

Mrs. FEUER. It does not.

Mr. MORRIS. All right.

Were you a member of the Communist Party on October 13, 1953, when this particular letter appeared in the New Orleans Item?

Mrs. FEUER. I am not a Communist. I will not be impugned, and I am not answering that question.

Mr. MORRIS. That was not the question.

Chairman EASTLAND. Yes, but you are dodging. Now, answer his question. He asked you if you were a Communist at the time that letter appeared in the New Orleans Item in 1953.

Mrs. FEUER. I want no tags of dodging put on me.

Chairman EASTLAND. Answer the question.

Mrs. FEUER. I am going to answer the question. Put a tag of "principles" on my stand, if you please. I refuse to answer that question.

Chairman EASTLAND. You are ordered and directed to answer the question.

Mrs. FEUER. I refuse to answer on the first amendment, not the fifth, the ninth amendment, and the Bill of Rights that protects the citizens of the United States.

Chairman EASTLAND. They are overruled.

Senator WATKINS. Just a moment. She has included the Bill of Rights at this time, and that includes the fifth amendment.

Mrs. FEUER. I am excluding the fifth amendment, Senator Watkins.

Senator WATKINS. We have to make a record here, and it is a little difficult to make a record—

Mrs. FEUER. Yes, Senator.

Senator WATKINS. Just a moment. Let me talk, and we will let you talk.

We have to make a record. We ask these questions, and you think they are repetitious, but for the purpose of this record we have to do it.

This matter has not been decided by the Supreme Court, as I recall, definitely and specifically on the first amendment. It has been on the fifth amendment.

With respect to objections to testify—I am advised that I am mistaken on that; that it has been decided on the first amendment.

There is a man now in jail. He claimed the protection of the first amendment, and he could not get by with it.

You see, we have been asking you a series of questions, and you are very willing to say that you are not now a Communist——

Mrs. FEUER. I didn't say I am not now a Communist. I said I am not a Communist. You made the differentiation; I didn't make it.

Senator WATKINS. I just can't see it.

Mrs. FEUER. Explain to me, as a lawyer, why you have to repeat these things. Let me explain to you as a psychiatric social worker what this does to a human being in terms of wrecks of feelings and ability to function, and what it does to a family.

You gentlemen who have respect for the families of America, consider mine.

Senator WATKINS. I think we have some respect for the families of America. We are men who have families.

Mrs. FEUER. I know you have.

Senator WATKINS. Just a moment. You will have your opportunity.

You made some of these charges about this committee. This committee is sworn to uphold the Constitution of the United States, and we follow what the Court has ruled.

With respect to the first amendment, which you claim, and with respect to the others except the fifth amendment, I am advised by the chairman the Supreme Court has ruled on those matters, and you cannot refuse to answer those matters simply on the ground of those other amendments.

And I am advising you, under those circumstances, the law being as I understand it is, and I am now so advised that it is, that it is our duty to insist upon these answers and to make a record on this matter, because you are not the only one we have to interrogate. We have to hold hearings over this country, because we have found that this conspiracy which seeks to overthrow this Government is directed, in fact, by a foreign government.

We are trying to protect the lives and the necks of all of us so we will not be obliterated some night by bombs, the secrets of which were stolen from this country by spies, and people who have very respectable positions in this country were informers for the other side.

Now, it is the life of this country that is at stake. We are being taxed billions of dollars to provide defenses on the field of battle, and at the same time we must also protect the internal security.

Many times the enemies from within are far more dangerous than those on the outside. We could protect against those outside, but unless we know who they are on the inside, we cannot build up our protection; that is for you and your children, that is for all of us.

We try to protect motherhood; we try to protect the American home, all of us. We have a duty we are trying to discharge here, and I cannot sit here silent and hear you make these charges against the Congress of the United States.

We are seeking to protect and defend this country. If you wanted to cooperate, it would be just as easy for you to answer the other question. You have a right not to answer it if you don't want to, I mean under the fifth amendment, but you have not claimed that.

But when you are here, it is your duty to answer these questions and to submit to the rules and regulations that have been upheld by

the courts of this country and by the Constitution of this country, and by the Court interpreting that Constitution.

Now, we are not here to try you. We are not here to sentence you to anything. We are here to get the information. And the information we have in our possession indicates that in this very community there is an active Communist movement, and we are trying to find out, because if there is, we have got to get laws, maybe we will have to change our laws, so they will root out any of those conspiracies anywhere in the United States.

This is a great port and a great city, and a vulnerable city from the point of attack, and we certainly intend to do our duty here.

Now, it is all right to wave the flag of motherhood. We all have respect——

Mrs. FEUER. No, Senator; do not say that to me.

Senator WATKINS. I understand, but you have been waving it.

Mrs. FEUER. It has not been a waving, Senator.

Senator WATKINS. You come to one question only, and you refuse; you don't claim the protection of the fifth amendment; you don't say it would incriminate you, and yet you say you won't answer that question.

You are the witness, and you are the one that determines that. But in view of that position, we have to make a record here because we have got to determine whether or not, under those circumstances, people can go on refusing to give information that the Congress needs.

(The witness conferred with her counsel.)

Chairman EASTLAND. The witness claimed protection of her family. The chairman thinks that the families of thousands of young men that sleep in Korea, who were killed fighting communism, desire that this country be protected from within. We think they have some rights, also.

Mrs. FEUER. Senators, I think you gentlemen have a great deal of insight, and know the difference between the integrity of a citizen, a mother, a principal social worker, and that of a politician, and my objections and refusals to answer have been based upon my firm convictions and principles that I would not be helping the security of my country by destroying its Constitution.

This is my basis; not politics, not some miasmic plot.

Senator JENNER. Mrs. Feuer, were you ever a member of the Communist Party when you were a member of the parent-teachers association?

Mrs. FEUER. I refuse to answer that question, Senator Jenner, on the same basis.

Senator JENNER. Mrs. Feuer, don't you see what position you put this committee in? You had another fine lady in this community, a Mrs. Wolsch. She took the witness stand under oath, and when we asked her about the parent-teachers association, she freely told the committee about it.

Yet, you refuse; why?

(The witness conferred with her counsel.)

Mrs. FEUER. Senator Jenner, I will pit my public record of service to a community that I love, which is New Orleans, against yours, against anyone else's in this community, and I will present it fairly and squarely in a court of law.

Senator JENNER. Then won't you help this committee by telling us whether or not you were ever a member of the Communist Party when you were associated with the parent-teachers association?

Mrs. FEUER. On the basis of principle, no; in a court of law, yes.

Senator JENNER. I think I understand.

Mr. MORRIS. Mrs. Feuer, were you a member of the Communist Party when you were served with a subpoena last week by this committee?

Mrs. FEUER. I have said I am not a member of the Communist Party.

Senator JENNER. That is not responsive.

Chairman EASTLAND. I understand it is not responsive. I will order her to answer it.

Mrs. FEUER. I object to that. This is an invasion into my political beliefs, my personal and private affairs, my associational activities. And I am very tired, gentlemen; it is in the record.

Chairman EASTLAND. That is overruled.

Senator JENNER. Mrs. Feuer, do you believe the Communist Party is a political party?

Chairman EASTLAND. Wait just a minute.

I overrule the objection, and I order you and direct you to answer that question. It is a very pertinent question.

Mrs. FEUER. I refuse to answer on the basis that I have stated here.

Senator JENNER. Mrs. Feuer, do you think the Communist Party is a political party?

Mrs. FEUER. I refuse to answer. I am not a politician. Ask me a question about social work, Mr. Jenner, and I will answer to the best of my ability.

Senator JENNER. All right.

Do you think that a party which is dedicated to the overthrow and the destruction of your country is a political party in the true sense of the word?

Mrs. FEUER. I refuse to answer, Mr. Jenner. Give me several years for research.

Chairman EASTLAND. I order and direct you to answer the question.

Mrs. FEUER. I refuse to answer.

(The witness conferred with her counsel.)

Mr. MORRIS. Mr. Chairman, I have no more questions—oh, yes. Mr. Mandel, will you identify this exhibit?

Mr. MANDEL. The next exhibit is "Letters from Item readers," published in the New Orleans Item, October 13, 1953, being a letter to the editor, signed as being from Mrs. Joseph Feuer, chairman, national legislation, Louisiana Parent-Teacher Association.

Mr. MORRIS. Mr. Chairman, may that go into the record and be marked the number of the next consecutive exhibit?

(The document referred to was marked "Exhibit No. 207," and reads as follows:)

#### EXHIBIT No. 207

[Letters from Item readers]

SAYS "APPOINT SCHOOL HEAD"

To the EDITOR:

Congratulations on your excellent editorial supporting legislation for an appointed State superintendent of education.

We in New Orleans Parish, in the past few years, have seen the tremendous strides our schools have taken under an appointed superintendent, responsible

to a nonpolitical school board. Under the same conditions our State system would show comparable improvement.

There is an unanimity of opinion among educators and informed lay people as to the superiority of appointment over election for this professional job.

Not only the National Education Association, the American Association of School Administrators, and the National Council of Chief State Officers, but also the State superintendents themselves, whether elected or appointed, are overwhelmingly in favor of this method.

The Shreveport Times Survey, published May 11, 1952, states the following: Superintendents in favor of appointment, 32; superintendents in favor of election, 9; superintendents in favor of either method, 1; superintendents having no opinion, 3; superintendents not replying, 3.

This survey further reports that 14 of the superintendents who are now elected favor appointment rather than their own system of election. On the other hand, of the 17 superintendents who are now appointed, not one of them was in favor of election.

The citizens of Louisiana are vitally concerned with our State educational system, both as parents and taxpayers. Once they know the facts they will act to obtain the optimum school system for their tax dollar.

The item has performed a much needed public service by informing its readers of this situation.

Mrs. JOSEPH FEUER,

*Chairman, National Legislation, Louisiana Parent-Teacher Association.*

Mr. MORRIS. Mr. Chairman, I have no more questions of this particular witness.

Senator JENNER. I have no questions, Mr. Chairman.

Senator WATKINS. I have no more questions.

Chairman EASTLAND. I am going to hold you under subpoena. You are temporarily excused.

Mrs. FEUER. May I be excused for the day?

Chairman EASTLAND. No, ma'am; you may not be excused for the day.

Call your next witness.

Mr. MORRIS. Mrs. Liveright.

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Judiciary Committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LIVERIGHT. I do.

### TESTIMONY OF MRS. BETTY LIVERIGHT, ACCOMPANIED BY PHILIP WITTENBERG, HER COUNSEL

Mr. MORRIS. Will you give your name and address to the reporter, please?

Mrs. LIVERIGHT. Mrs. Betty Liveright, 2239 General Taylor Street, New Orleans, La.

Mr. MORRIS. Let the record show Mr. Wittenberg is appearing as counsel for Mrs. Liveright.

Mrs. Liveright, will you tell us your present occupation?

Mrs. LIVERIGHT. I hereby respectfully object to the power and jurisdiction of the subcommittee to inquire into my political beliefs or any other personal and private affairs, my associational activities—

Mr. MORRIS. Mrs. Liveright, I asked you what your employment is.

Mrs. LIVERIGHT. I stand on my objections.

Mr. MORRIS. What is that objection?

Mrs. LIVERIGHT. May I consult with my attorney, please?

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I refuse to answer on the grounds stated in the fifth amendment to the Constitution of the United States.

Chairman EASTLAND. Was that the fifth amendment, ma'am?

Mrs. LIVERIGHT. I refuse to answer on the grounds stated in the fifth amendment to the Constitution of the United States.

Chairman EASTLAND. That is all I want to hear. We needn't go any further.

Mrs. LIVERIGHT. I further object on the following grounds: Any investigation——

Chairman EASTLAND. Wait just a minute, ma'am. You can place that in the record. How many pages is it, Mr. Counsel?

Mrs. LIVERIGHT. Just a minute, I will count them. Eight and a half.

Senator JENNER. May I ask, Mr. Chairman, before you order that it go into the record as an exhibit, may I ask the witness whether or not she prepared the document she is submitting for the record, or was it prepared by your attorney?

Mrs. LIVERIGHT. I refuse to answer on the grounds I have stated.

Senator JENNER. On the grounds of the fifth amendment?

Mrs. LIVERIGHT. On the grounds I have stated.

Senator JENNER. I believe the record shows she refused to answer on the fifth amendment, and then submitted a long document of several pages.

Mr. Chairman, I was trying to ascertain whether or not the document is the witness' own document, or whether or not it was prepared by her attorney, or——

Chairman EASTLAND. She took the fifth amendment on that. I will admit it into the record as an exhibit if the witness requests it.

Senator JENNER. All right.

Senator WATKINS. I understand she has requested it.

You do request that the document be made a part of the record; do you not?

Mrs. LIVERIGHT. I do request so.

Chairman EASTLAND. Yes.

(The statement of objections referred to was numbered "Exhibit No. 208" and being identical with the statement of Richard Feise which appears on p. 599 was placed in the subcommittee files.)

Mr. MORRIS. Mr. Chairman, I would like to call to the attention of the subcommittee that when this witness was asked this question in executive session, she did reply, and gave rather extensive testimony about, not only her present employment in New Orleans, but also about her past employment.

Now, are you going to tell the subcommittee, Mrs. Liveright, about what positions, what jobs, you had in the past in New Orleans?

Mrs. LIVERIGHT. I would like to consult with my attorney.

Mr. MORRIS. Would you, please?

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I stand on the fifth—I object to the question, and stand on the fifth. I think there are certain things that could be mentioned in private but not in public.

Mr. MORRIS. Mr. Chairman, I think, in view of that, I think it is probably necessary for——



Chairman EASTLAND. I would like for that to be read. I want to see whether she waived her privilege under the fifth amendment.

Mr. MORRIS. In this same courtroom, before Senator Watkins as acting chairman of the subcommittee, 2 days ago, the following questions were asked of Mrs. Liveright:

Mr. MORRIS. You have worked for the television station WDSU, have you not?

Mrs. LIVERIGHT. I had one job or two.

Mr. MORRIS. In other words, that was a joint project with the university and WDSU; was it not?

Mrs. LIVERIGHT. I was thinking about something else.

Mr. MORRIS. Tell us what it was. You know better than we do, Mrs. Liveright.

Mrs. LIVERIGHT. As I say, there are special jobs that come up where I have done some work on a show that they did, that is all. It was a very brief time, and I forgot about it.

Mr. MORRIS. I see.

Was there a joint project with the university and the television station that you worked on?

Mrs. LIVERIGHT. Was it a joint project?

Mr. MORRIS. Was there a joint project?

Mrs. LIVERIGHT. Yes, sir.

Mr. MORRIS. I wonder if you would tell us what that was.

Mrs. LIVERIGHT. It was a program called Tulane Close-Up, which is a program, as they mentioned at the end of each program, a presentation of WDSU as a public service, in cooperation with Tulane University.

Mr. MORRIS. What did you do in connection with that program?

Mrs. LIVERIGHT. I was what they called a coordinator.

Mr. MORRIS. You coordinated the program, and you worked in conjunction—did Mr. Liveright work on that with you?

Mrs. LIVERIGHT. Mr. Liveright worked on that program. I worked with a lot of people.

Mr. MORRIS. Now, when did you come to New Orleans? 1944; was it not?

Mrs. LIVERIGHT. 1944?

Mr. MORRIS. I am sorry, that is wrong, excuse me.

Mrs. LIVERIGHT. Let me see. This is 1956; 1955, 1954, I guess that is right. Three years is 1953; it was Mardi Gras time.

Mr. MORRIS. In 1953?

Mrs. LIVERIGHT. Yes.

Mr. MORRIS. What employment have you had in New Orleans since that time?

Mrs. LIVERIGHT. I have done a commercial type of, what do you call it, it is doing a commercial for a sponsor. I mean, you know, I worked with—I have done a little acting, and I was very briefly employed as doing a commercial, if you know what that means. It is not acting.

Mr. MORRIS. Whom did you work for in that capacity?

Mrs. LIVERIGHT. That was the Bauerlein Agency, B-a-u-e-r-l-e-i-n.

Do you want to know all these things?

Mr. MORRIS. Yes.

Senator WATKINS. We want an answer to all of these questions we ask.

Mrs. LIVERIGHT. I have not thought about all these things.

I did one show for the Sam Rosenberg Agency. I did a couple of movies for NPA in NOPD series.

Senator WATKINS. When you say you did that, did you personally appear, or did you prepare the script?

Mrs. LIVERIGHT. No, I was acting in it. I was one of the actors.

Senator WATKINS. I see.

Mrs. LIVERIGHT. As I say, I had one little job doing some work on a show, not acting, for WDSU, and it was in connection with the Arthur Godfrey telecast here in New Orleans. I coordinated that, I suppose, if you want that term, which is a term they used.

Oh, yes; I know. I did some commercial things with Mr. Bingle for the Fitzgerald Agency.

That is all I can remember. I don't know—that is all I can remember.

Now, was any portion of that inaccurate——

Chairman EASTLAND. Just a moment, now.

I think that is clearly a waiver of her rights under the fifth amendment. Mr. Reporter, read her the question that she objected to answering.

(The question referred to was read by the reporter.)

Mrs. LIVERIGHT. May I consult my attorney?

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. Now that you have read this into the public record, I agree that this was a correct transcript.

Chairman EASTLAND. Yes.

Mr. MORRIS. Mrs. Liveright, have you been active in the professional branch of the Communist Party in New Orleans?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may, Mrs. Liveright.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I refuse to answer on the grounds stated in my objection.

Mr. MORRIS. And does that include your objection—your privilege under the fifth amendment against self-incrimination?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may, Mrs. Liveright.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. Yes, it does.

Mr. MORRIS. Mrs. Liveright, when you came—did you live in New Orleans immediately—did you live in New York immediately before you moved to New Orleans?

Mrs. LIVERIGHT. I refuse to answer on the grounds of the objection I have submitted.

Mr. MORRIS. As to whether or not you lived in New York?

Mrs. LIVERIGHT. I refuse to answer on the grounds stated.

Mr. MORRIS. Well, Mrs. Liveright, you recall that, in executive session testimony, you testified that you lived at 43 Chadwick Road, White Plains, N. Y., and that you lived there for about 10 years immediately prior to the time that you came to New Orleans. Do you recall that?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may, Mrs. Liveright.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. That is what I said.

Mr. MORRIS. Now, at the time—

Senator WATKINS. I would like to ask a question.

That is true, is it not, Mrs. Liveright? I say, that statement that you made in executive session was true, those statements were true?

Mrs. LIVERIGHT. May I consult my attorney.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I was testifying under oath, Senator. I was telling the truth.

Senator WATKINS. That is what I wanted to know.

Mr. MORRIS. Now, were you a member of the Communist Party when you left New York to come to New Orleans, and that was approximately in 1953, as you have testified?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I refuse to answer on the grounds stated in my objection.

Mr. MORRIS. And that includes your privilege against self-incrimination; is that right?

Mrs. LIVERIGHT. Right.

Mr. MORRIS. Now, were you warned by your Communist Party superiors that when you moved to New Orleans, you should stay away from any formal connection with the Communist Party in that city?

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. And that includes your privilege under the fifth amendment?

Mrs. LIVERIGHT. Yes, indeed.

Mr. MORRIS. Notwithstanding, did you become affiliated with the Communist Party professional branch in New Orleans?

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. And you have been active in the professional branch of the Communist Party in New Orleans, have you not?

Mrs. LIVERIGHT. I refuse to answer on the grounds stated.

Mr. MORRIS. Mrs. Liveright, while you have been in New Orleans, you have been active with the Parent-Teachers Association, have you not?

Mrs. LIVERIGHT. I refuse to answer on the grounds stated.

Mr. MORRIS. Mr. Chairman, I would like to point out that when asked the same question in executive session, Mrs. Liveright's answer was:

Active? I have attended meetings; not very active.

Chairman EASTLAND. I want you to read the testimony now. I want to see whether she waived the privilege under the fifth.

Mr. MORRIS. The question put to Mrs. Liveright in executive session testimony before Senator Watkins in this same courtroom, 2 days ago, was:

Mr. MORRIS. Have you been active with the PTA in New Orleans, Parent-Teachers Association?

Mrs. LIVERIGHT. Active? I have attended meetings; not very active.

Mrs. LIVERIGHT. I would like to consult with my attorney.

Chairman EASTLAND. Yes; you have waived your rights under the fifth amendment.

Is it true?

Mrs. LIVERIGHT. That is a correct transcription.

Mr. MORRIS. All right.

Mrs. Liveright, was it truthful, was the testimony you gave at that time truthful?

Mrs. LIVERIGHT. I said I had stood on my oath to tell the truth.

Mr. MORRIS. In other words, it was truthful.

Mrs. Liveright, did you ever live at 117 East 89th Street, New York City?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. Yes, I did.

Mr. MORRIS. Mrs. Liveright, did you live at 43-10 48th Avenue, Woodside, N. Y.? Have you ever lived there?

Mrs. LIVERIGHT. Yes.

Mr. MORRIS. Have you also lived at 41-22 42d Street, Sunnyside, Queens?

Mrs. LIVERIGHT. Yes.

Mr. MORRIS. Mrs. Liveright, have you spoken at a meeting at Yorkville, which is a section in New York City, under the auspices of the Yorkville Peace Council, on approximately May 10, 1941?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may, Mrs. Liveright.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I refuse to answer on the grounds I have already stated in my objection.

Mr. MORRIS. In the event that it may refresh your recollection, Mrs. Liveright, I offer you a picture that appeared in the Daily Worker of May 10, 1941, and ask you if you can identify the speaker at that particular rally as yourself?

Mrs. LIVERIGHT. I refuse to answer on the grounds stated.

Mr. MORRIS. Mr. Mandel, will you identify that photograph?

Senator WATKINS. Just a moment.

Did you take a look at that photograph before you answered?

Mrs. LIVERIGHT. Yes.

Mr. MORRIS. Will you identify the photograph, Mr. Mandel?

Mr. MANDEL. This is a photograph taken from the Daily Worker of May 10, 1941, which says:

Photo (right) shows Miss Betty Liveright of the Yorkville Peace Council addressing meeting Thursday night.

Mr. MORRIS. Will you identify the Daily Worker for the record?

Mr. MANDEL. The Daily Worker has been, since its foundation, the official organ of the Communist Party of the United States.

Mr. MORRIS. Mr. Chairman, may that go into the record and be marked the next consecutive exhibit?

Chairman EASTLAND. Yes.

(The photograph referred to was marked "Exhibit No. 209," and appears on a following page.)

Mr. MORRIS. Mrs. Liveright, have you been an organizer for the Communist Party in Queens County, New York City?

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. Mrs. Liveright, did you make an effort in 1952 to rent a post office box in White Plains, N. Y., under the name of Westchester Committee for Ethel and Julius Rosenberg?

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. Have Communist Party meetings been held at your home in the last year, Mrs. Liveright, here in New Orleans?

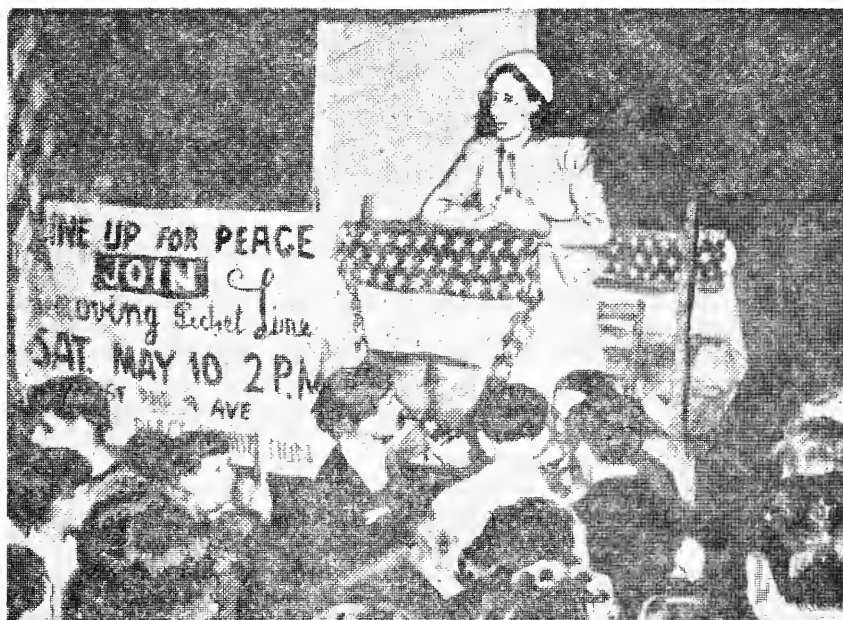
Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. Have you contributed money to the Communist Party?

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Chairman EASTLAND. That is the fifth amendment.

## EXHIBIT 200



Mr. MORRIS. Mrs. Liveright, I am going to present you with Communist Party nominating petitions, a sequence of them. These Communist Party nominating petitions bear the signature of Betty Liveright, signature of the witness; they were notarized on different dates.

I ask you if you will identify these documents for the subcommittee. (Handing documents to the witness.)

Mrs. LIVERIGHT. May I consult with my attorney?

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mr. MORRIS. Will you identify those photostats?

Mrs. LIVERIGHT. I refuse to answer on the grounds of the objection already submitted.

Mr. MORRIS. Mr. Mandel, will you identify for the record, individually—have you noticed the signature on those, Mrs. Liveright? Have you noticed the signature on the photostats of those nominating petitions?

Mrs. LIVERIGHT. I looked at the things you showed me.

Mr. MORRIS. Is that your signature?

Mrs. LIVERIGHT. I refuse to answer on the grounds I have already stated.

Chairman EASTLAND. What was the nominating petition? I did not catch it.

Mr. MORRIS. Mr. Mandel is about to identify them for the record, Mr. Chairman.

Mr. MANDEL. This is a nominating petition for councilman, headed:

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past 18 months; that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following-named person as a candidate of the Communist Party for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

And below that is dated October 2, 1939, the signature of Betty Liveright, residence 41-42 42d Street, County of Queens, 13th Election District, County of Queens.

Senator JENNER. Right there, I might say the witness did state she lived at that address in New York.

When you lived there, were you living alone, or were other people living at that address?

Mrs. LIVERIGHT. I refuse to answer that on the grounds I have already stated, Senator.

Mr. MORRIS. Mr. Chairman, I would like to say that Mrs. Liveright does not appear as somebody who signed the other petition, but as somebody who circulated it.

Mr. MANDEL. The next is a Communist Party nominating petition for councilman, Communist Party, Borough of Queens, State of New York, city of New York, and the heading of this is:

I, the undersigned, do hereby state that I am a duly qualified elector of the borough of Queens, city and State of New York, the political unit for which a nomination for public office is hereby made; that my place of residence is truly stated opposite my signature hereto; that I have registered as a voter of such borough of Queens, city of New York, within 18 months previous to the time this petition is filed; that I intend to support at the ensuing election, and I do hereby nominate the following-named person as a candidate for nomination for the public office of councilman from the borough of Queens, New York City, to be voted for at the general election to be held in said borough on the 2d day of November 1943, and I select the name "Communist Party" as the name of the independent body making the nomination, subject to certification by the authorized officers of such independent body, in accordance with subdivision 2 of section 1005 of the New York City Charter.

Mr. MORRIS. Now, Mr. Mandel, those petitions indicate not only did she sign the petitions, but she actively circulated these petitions; is that right?

Mr. MANDEL. Her signature is here as a witness.

Mr. MORRIS. In other words, she has attested the signatures of all the aforesaid signers of the petition; is that correct?

Mr. MANDEL. That is correct.

Mr. MORRIS. Mr. Mandel, will you tell us, for the record, how many of those there are in the possession of the committee?

Mr. MANDEL. May I give the address that is given here?

Mr. MORRIS. All right.

Mr. MANDEL. 43-10 48th Avenue, Woodside; that is Mrs. Liveright's address.

Mr. MORRIS. Rather than prolong the hearing, would you just identify, Mr. Mandel, the number of such nominating petitions that the committee has in its possession?

Mr. MANDEL. Nine.

Mr. MORRIS. Mr. Chairman, may they go into the record at this time?

Chairman EASTLAND. Yes; they will be admitted.

(The documents referred to were marked "Exhibits No. 210 to 210-H." Reproductions of exhibits 210, 210-A, and 210-B appear on following pages. The others were placed in the subcommittee record.)

Mr. MORRIS. Mr. Chairman, we have available here today Gilbert J. Fortier, Jr., a handwriting expert. I wonder if this witness may be excused temporarily.

Chairman EASTLAND. Temporarily excused.

Mr. MORRIS. Mrs. Liveright, just before you go, one more point of business here.

Mr. Chairman, we have here some checks drawn on the Hibernia National Bank of New Orleans, which purportedly contain the signature of Betty Liveright.

I wonder, Mrs. Liveright, if you will identify these checks, the signature on these checks, as your signature.

(Documents shown to the witness.)

Mrs. LIVERIGHT. I refuse to answer on the grounds already stated.

Mr. MORRIS. Mr. Mandel, will you identify those documents?

Mr. MANDEL. I have here a check made out from the administrators of the Tulane Educational Fund, February 9, 1956, for the amount of \$34, to Betty Liveright, and endorsed on the back by Betty Liveright.

From the same organization, December 22, 1955, the sum of \$25.50, made out to Betty Liveright, and endorsed by Betty Liveright.

The same organization, December 30, 1955, the sum of \$20, made out to Betty Liveright, and endorsed on the back by Betty Liveright.

(The documents referred to were marked "exhibits Nos. 211 and 211-A" and are reproduced on following pages.)

Mr. MORRIS. Mr. Chairman, may this witness be excused, and we have the handwriting expert take the stand?

Chairman EASTLAND. This witness is excused just temporarily. Don't leave the room.

Mr. MORRIS. Mr. Chairman, before the next witness takes the stand, I would like Mr. Mandel to put in the nominating petitions, Communist Party nominating petitions, bearing the signature of Herman Liveright, because we are going to ask the handwriting expert about those signatures, too.

Chairman EASTLAND. All right.

Mr. MORRIS. Mr. Mandel, will you put those into the record at this time?

Mr. MANDEL. I have here Communist Party nominating petitions of the Communist Party, signed by Herman Liveright, and I will just count them, for the record, Mr. Chairman. Is that all right?

Mr. MORRIS. Please do.

Mr. MANDEL. Ten.

Mr. MORRIS. Do they bear the signature of Herman Liveright?

Mr. MANDEL. They do.

Chairman EASTLAND. They will be admitted as a properly numbered exhibit.

## EXHIBIT 210

**NOMINATING PETITION FOR COUNCILMAN**

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months; that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate	Public Office	Place of Residence	Place of Business
PAUL CROSBIE	Councilman	39-22—49th Street Long Island City, New York	135 William Street New York, New York
	Member of Council Borough of Queens		

And I do hereby appoint:

AUGUST S. FRAHM, residing at 40-10—25th Avenue, Long Island City, New York.

SOLOMON MODELL, residing at 89-19 Sutphin Boulevard, Jamaica, New York

GEORGE GRAVES, residing at 32-17—104th Street, Corona, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election District	Assembly District
1. 10/2/1939	Betty Lwinight	41-22 42 <sup>nd</sup> St. County of Queens	13	2 A.D. County of Queens
2. 10/2/1939	Bertha Herr	41-08 42 <sup>nd</sup> St. County of Queens	13	2 A.D. County of Queens
3. 10/2/1939	Norman Studer	3965—43 St. County of Queens	5	2 A.D. County of Queens
4. 10/2/1939	John Kress	41-15 60 <sup>th</sup> St. County of Queens	8	2 A.D. County of Queens
5. 10/2/1939	Jennie Keffi	41-15—50 <sup>th</sup> St. County of Queens	8	2 A.D. County of Queens

STATE OF NEW YORK } SS:  
COUNTY OF QUEENS } *New York*

*Mary Ciatto*  
(Name of witness to signature of petitioner)

being duly sworn, says: I am a duly qualified voter of the State of New York and now reside at *89-88 41<sup>st</sup> St Long Island City*  
(Fill in street and house number)

in the county of Queens in the City of New York. I was last registered for the general election in the year *1938* from *45-35 48<sup>th</sup> St* in the county of *Queens* in the City of New York, in such state. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing *5* signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this

*J. J. O'Leary*  
day of *October*, 1939  
*Notary Public*

Notary Public, Commissioner of Deeds

NOTARY PUBLIC  
N.Y. Co. Clk's No. 291, Reg. No. 1B 380  
Term Expires March 30, 1941

*Mary Ciatto*  
(Signature of Witness)

Page

*405*



EXHIBIT 210-A

# COMMUNIST PARTY NOMINATING PETITION FOR COUNCILMAN

Borough of Queens

City of New York

State of New York

## To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified elector of the Borough of Queens, City and State of New York, the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto, that I have registered as a voter of such Borough of Queens, City of New York, within eighteen months previous to the time this petition is filed, that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for the public office of Councilman from the Borough of Queens, New York City, to be voted for at the general election to be held in said Borough on the 2nd day of November, 1943, and I select the name COMMUNIST PARTY as the name of the independent body making the nomination, subject to certification by the authorized officers of such independent body, in accordance with Subdivision 2 of Section 1005 of the New York City Charter.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
PAUL CROSBIE	Councilman of the City of New York from the Borough of Queens	3922—49th Street, Long Island City Borough of Queens, New York City, N. Y.	80 West 40th Street Borough of Manhattan New York City, N. Y.

I do hereby appoint the following persons, all of whom are voters within the political unit of the Borough of Queens:

HAROLD SIMON, residing at 4112—25th Avenue, Long Island City, N. Y.  
 FRIEDA B. ROSS, residing at 3921—49th Street, Long Island City, N. Y.  
 JOSEPH GREENE, residing at 111-09—153rd Street, Jamaica, N. Y.  
 STELLA BIBER, residing at 1842—25th Road, Long Island City, N. Y.  
 GEORGE GRAVES, residing at 3217—104th Street, Corona, Flushing, N. Y.

as a committee to fill vacancies in accordance with the provision of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

## EXHIBIT 210-A—Continued

DATE	FULL NAME OF SIGNER	PRESENT RESIDENCE	Queens, N. Y. City Election District	Queens, N. Y. City Assembly District	ADDRESS FROM WHICH I REGISTERED VOTING PREVIOUS TO THIS FILING OF THIS PETITION	Queens, N. Y. City 1942 Queens County Election District
1 August 24 1943	Joseph A. Brown	45-26-44 St. L.C. Borough of Queens, New York City	14	2	228-11 100 Ave. N.Y.C. Borough of Queens, New York City	117
2 August 24 1943	Julia Grossman	45-26-44 St. L.C. Borough of Queens, New York City	14	2	45-26-44 St. L.C. Borough of Queens, New York City	14
3 August 24 1943	Anthony Russo	45-26-44 St. L.C. Borough of Queens, New York City	14	2	45-26-44 St. L.C. Borough of Queens, New York City	14
4 August 24 1943	John J. Brown	45-26-44 St. L.C. Borough of Queens, New York City	14	2	45-26-44 St. L.C. Borough of Queens, New York City	14
5 August 24 1943		Borough of Queens, New York City			Borough of Queens, New York City	

STATE OF NEW YORK,  
CITY OF NEW YORK,  
COUNTY OF QUEENS,

SS.:

*John J. Brown*  
(Name of Witness)

being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Queens, City of New York, in the County of Queens in such state at 4310-48 Avenue Woodside, N. Y., therein.

The said residence is in the 22<sup>nd</sup> Election District of the 2<sup>nd</sup> Assembly District, County of Queens. I was last registered for the general election in the year 1942 from 4310-48 Avenue Woodside, N. Y., in the Borough of Queens, City of New York in the County of Queens, in such state. The said residence is in the 22<sup>nd</sup> Election District of the 2<sup>nd</sup> Assembly District, County of Queens. I know each of the voters whose names are subscribed to the foregoing petition containing signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this 29<sup>th</sup> day of August 1943.

*Bernard K. Kaelin*  
(Signature of Officer)

(Official Title of Officer)

COLLISON & KLINGMAN, INC.  
801 ADAMS ST., BROOKLYN, N. Y.

BERNARD K. KALINBERG  
Queens, N. Y.  
N.Y. Co. (City of Queens) No. 1244  
Commission on Labor Disputes, No. 47580  
Expires on Sept. 30, 1944


*John J. Brown*  
(Signature of Witness)

Page No. 402

## EXHIBIT 210-B

## INDEPENDENT NOMINATING PETITION

To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for public office to be voted for at the election to be held on the 6th day of February, 1940, and that I select the name COMMUNIST PARTY as the name of the independent body making the nomination, and the Letters CP in a Box  as the emblem of such body.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
EARL BROWDER	Representative in Congress 14th Congress District New York County, New York	7 Highland Place Yonkers, N. Y.	86 East 12th Street New York, N. Y.

I do hereby appoint:

ISRAEL AMTER, residing at 111 East 7th Street, New York, N. Y.  
MORRIS SALKIND, residing at 470 East 10th Street, New York, N. Y.  
CARL BRODSKY, residing at 245 East 11th Street, New York, N. Y.  
ADA BRODSKY, residing at 245 East 11th Street, New York, N. Y.  
GERTRUDE ACKERMAN, residing at 166 Second Avenue, New York, N. Y.

(all of whom are voters within such political unit) as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

DATE	FULL NAME OF SIGNER	RESIDENCE	Election District	Assembly District
1 Jan 11, 1940	Claud Vincent	158 West 10th St. Borough of Manhattan, New York	3	10
2 Jan 16, 1940	Michael K. Salkind	164 St. Averly Pl. Borough of Manhattan, New York	1	10
3 Jan 16, 1940	Harry Goldstein	78 W. 11th St. Borough of Manhattan, New York	13	10
4 Jan 16, 1940	Oliver Lightner	73 W. 11th St. Borough of Manhattan, New York	12	10
5 Jan 16, 1940	Florida H. Moore	55 W. 11th St. Borough of Manhattan, New York	12	10

STATE OF NEW YORK,  
COUNTY OF NEW YORK, ss.:  
CITY OF NEW YORK.

Letty Luveright, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Queens, City of New York, in the County of Queens in such state at 41-22 42nd St., Sunnyside, L.I. therein. The said residence is in the 13 Election District of the 2 Assembly District. I was last registered for the general election in the year 1939 from 41-22 42nd St., Sunnyside, L.I. in the Borough of Queens, City of New York, in the County of Queens, in such state. The said residence is in the 13 Election District of the 2 Assembly District. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing five signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this 20 day January, 1940.

Max Rizzo  
Official Title of Officer

Letty Luveright  
Signature of witness



Notary Public in and for the State of New York, No. 54 K-43  
Commission Expires 12-31-43  
Notary Public in and for the State of New York, No. 54 K-43  
Commission Expires 12-31-43

Sheet No. 45

## EXHIBIT 211

## THE ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND

The National Bank of Commerce  
in New Orleans

No. 30012

NEW ORLEANS, LA.

December 30, 1955

PAY

THE SUM OF \$52,700.00

Payable to

Betty Liveright

\$52,700.00



## THE ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND

The Hibernia National Bank  
in New Orleans

No. 30013

NEW ORLEANS, LA.

February 9, 1956

PAY

THE SUM OF \$6,400.00

Payable to

Betty Liveright

\$6,400.00



## THE ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND

The National Bank of Commerce  
in New Orleans

No. 30014

NEW ORLEANS, LA.

Dec. 22, 1955

Pay

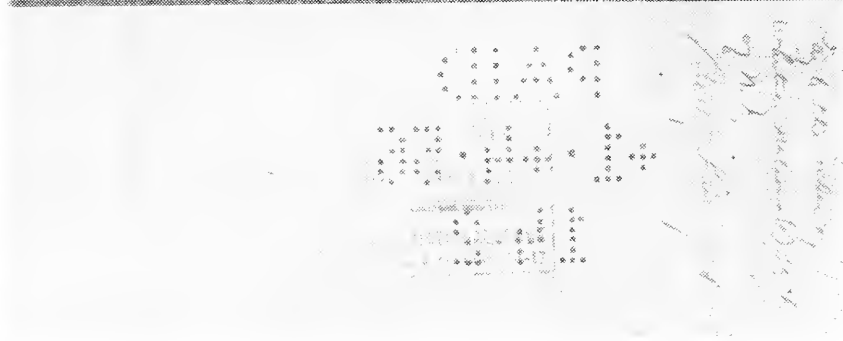
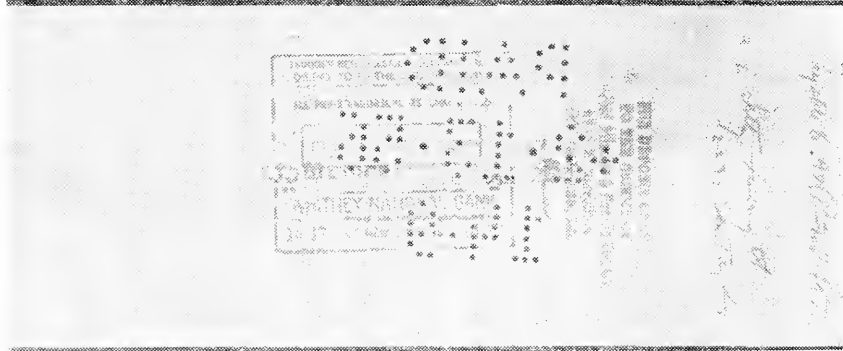
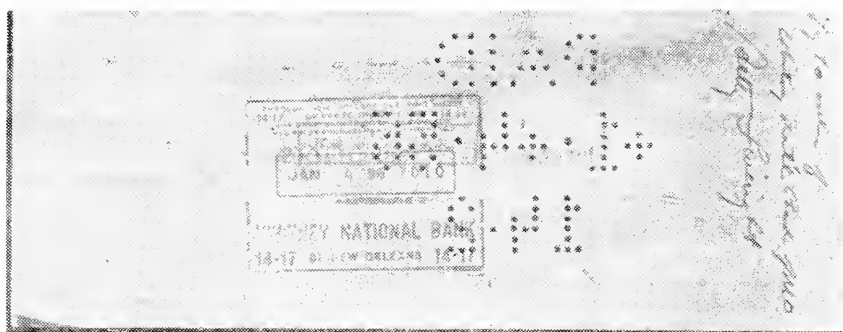
THE SUM OF \$2,750.00

Betty Liveright

\$2,750.00



## EXHIBIT 211-A




(The documents referred to relative to Mr. Liveright were marked "Exhibits Nos. 211-B and 211-C" which are reproduced on following pages and "211-D to 211-M" which were placed in the subcommittee files.)

## EXHIBIT 211-B

**INDEPENDENT NOMINATING PETITION**

To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for public office to be voted for at the election to be held on the 6th day of February, 1940, and that I select the name COMMUNIST PARTY as the name of the independent body making the nomination, and the Letters CP in a Box  as the emblem of such body.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
EARL BROWDER	Representative in Congress 14th Congress District New York County, New York	7 Highland Place Yonkers, N. Y.	36 East 12th Street New York, N. Y.

I do hereby appoint:

ISRAEL AMTER, residing at 111 East 7th Street, New York, N. Y.  
 MORRIS SALKIND, residing at 470 East 10th Street, New York, N. Y.  
 CARL BRODSKY, residing at 245 East 11th Street, New York, N. Y.  
 ADA BRODSKY, residing at 245 East 11th Street, New York, N. Y.  
 GERTRUDE ACKERMAN, residing at 166 Second Avenue, New York, N. Y.

(all of whom are voters within such political unit) as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

DATE	FULL NAME OF SIGNER	RESIDENCE	Election District	Assembly District
1 Jan. 18, 1940		136 St. Mark Pl. Borough of Manhattan, New York	10	8
2 Jan. 18, 1940	Sophie Haiman	126 St. Mark Pl. Borough of Manhattan, New York	16	8
3 Jan. 18, 1940	Morris Silver	126 St. Mark Pl. Borough of Manhattan, New York	16	8
4 , 1940		Borough of Manhattan, New York		
5 , 1940		Borough of Manhattan, New York		

STATE OF NEW YORK,  
 COUNTY OF NEW YORK, } ss.:  
 CITY OF NEW YORK.

Ismael Liveright, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Queens, City of New York, in the County of Queens, in such state at 41-22 42 Street therein. The said residence is in the 13 Election District of the 2 Assembly District. I was last registered for the general election in the year 1939 from 41-22 42 Street in the Borough of Queens City of New York, in the County of Queens, in such state. The said residence is in the 13 Election District of the 2 Assembly District. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing three (3) signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this 18 day January 1940.

Official Title of Officer Notary Public



Ismael Liveright  
 Signature of witness.

Sheet No. 1809

EXHIBIT 211-C

# COMMUNIST PARTY NOMINATING PETITION FOR COUNCILMAN

Borough of Queens

City of New York

State of New York

## To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified elector of the Borough of Queens, City and State of New York, the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto, that I have registered as a voter of such Borough of Queens, City of New York, within eighteen months previous to the time this petition is filed, that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for the public office of Councilman from the Borough of Queens, New York City, to be voted for at the general election to be held in said Borough on the 2nd day of November, 1943, and I select the name COMMUNIST PARTY as the name of the independent body making the nomination, subject to certification by the authorized officers of such independent body, in accordance with Subdivision 2 of Section 1005 of the New York City Charter.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
PAUL CROSBIE	Councilman of the City of New York from the Borough of Queens	3922—49th Street, Long Island City Borough of Queens New York City, N. Y.	80 West 40th Street Borough of Manhattan New York City, N. Y.

I do hereby appoint the following persons, all of whom are voters within the political unit of the Borough of Queens:

HAROLD SIMON, residing at 4112—25th Avenue, Long Island City, N. Y.  
 FRIEDA B. ROSS, residing at 3921—49th Street, Long Island City, N. Y.  
 JOSEPH GREENE, residing at 111-09—153rd Street, Jamaica, N. Y.  
 STELLA BIBER, residing at 1842—25th Road, Long Island City, N. Y.  
 GEORGE GRAVES, residing at 3217—104th Street, Corona, Flushing, N. Y.

as a committee to fill vacancies in accordance with the provision of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

## EXHIBIT No. 211-C—Continued

DATE	FULL NAME OF SIGNER	PRESENT RESIDENCE	Queens N. Y. City Section District	Queens N. Y. City Assembly District	ADDRESSES FROM WHICH I REGISTERED WITHIN 18 MONTHS PREVIOUS TO THE FILING OF THIS PETITION	Queens N. Y. City Section District	1943 Queens County Assembly District
August 1943	Wm. H. Mc. Cabe	41-14-12 2d R.C.	10	1	41-18 12 St. R.C.	10	1
August 1943	Donald Bull	41-07-42 St. R.C.	4	2	43-09 47 Ave.	14	2
August 1943	Diana Brill	41-07 42 St.	4	2	43-09 47 Ave.	14	✓
August 1943	Benjamin Astor	41-09 4th.	3	2	41-41 46 St.	12	2
5 , 1943		Borough of Queens, New York City			Borough of Queens, New York City		

STATE OF NEW YORK, }  
CITY OF NEW YORK, } ss.:  
COUNTY OF QUEENS,

Herman Liveright  
(Name of Witness)

Borough of Queens, City of New York, in the County of Queens in such state at 43-10-48 Avenue Woodside, N. Y., therein.

The said residence is in the 22 Election District of the 22 Assembly District, County of Queens. I was last registered

for the general election in the year 1942 from 43-10-48 Avenue Woodside, N. Y., in the Borough of Queens,

City of New York in the County of Queens, in such state. The said residence is in the 22 Election District of the 22 Assembly District,

County of Queens. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 4 signatures and each

of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this 29

day of August 1943.

Arthur J. Furman  
(Signature of Officer)

(Signature of Officer)

Harold Embler Furman  
(Signature of Officer)

Comm Exp 3/30/44  
(Official Time of Office)  
SOLomon & Solomon, Inc.  
300 N. W. 1st St., BROOKLYN, N. Y.

Herman Liveright  
(Signature of Witness)



Chairman EASTLAND. Call your witness.

Mr. MORRIS. Will you take the stand, Mr. Fortier?

Chairman EASTLAND. Hold your hand up.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FORTIER. I do.

# **TESTIMONY OF GILBERT J. FORTIER, JR., NEW ORLEANS, LA.**

Mr. MORRIS. Will you take the stand, Mr. Fortier.

Where do you reside?

Mr. FORTIER. 81 Thrasher Street, New Orleans, La.

Mr. MORRIS. What is your profession?

Mr. FORTIER. I am an examiner of questioned documents, or handwriting expert.

Mr. MORRIS. Have you given special study to the subject of questioned documents?

Mr. FORTIER. Yes, I have.

Mr. MORRIS. Will you tell us of your qualifications in this particular field?

Mr. FORTIER. Well, I have studied the subject of examination of questioned documents and disputed handwriting for the past 15 years.

Mr. MORRIS. Are you independently employed?

Mr. FORTIER. Yes; I am.

Mr. MORRIS. Have you been independently employed for the past 15 years?

Mr. FORTIER. For the last 10 years.

Mr. MORRIS. For the last 10 years. Have you studied or do you own the texts and other books necessary for the study of questioned documents?

Mr. FORTIER. Yes; I have studied the works and texts for the past 15 years, and have an extensive library on the subject.

Mr. MORRIS. Do you own and use the necessary recognized tools and appliances and equipment for your work?

Mr. FORTIER. Yes; I do.

Mr. MORRIS. Will you describe some of this equipment?

Mr. FORTIER. I have specially built magnifying glasses and microscopes, specially built camera equipment, glass-measuring tools and other measuring tools, chemicals, ultraviolet light, and so forth.

Mr. MORRIS. Do you maintain a laboratory for this work?

Mr. FORTIER. Yes, sir; I do.

Mr. MORRIS. Have you been engaged as an examiner of questioned documents in general? By whom have you been engaged?

Mr. FORTIER. By district attorneys, county attorneys, courts, grand juries, sheriffs, police departments, major corporations, industries, private individuals, investigators, and so forth.

Mr. MORRIS. Have you qualified and have you testified on this subject prior to today?

Mr. FORTIER. Yes, many times in criminal courts, civil courts, and Federal courts.

Mr. MORRIS. What area have your cases in this profession covered?

Mr. FORTIER. Eight States.

Mr. MORRIS. And do you belong to any professional societies?

Mr. FORTIER. Yes, the International Association for Identification.

Mr. MORRIS. Mr. Chairman, if you feel this witness is qualified——  
Chairman EASTLAND. You have qualified him. Proceed.

Mr. MORRIS. Mr. Mandel, will you put into the record, and may it be marked as the next consecutive exhibit, the application for employment for radio station WDSU, of Herman Liveright.

May that go into the record as a standard of comparison?

Chairman EASTLAND. Yes, it may be admitted into the record.

(The document referred to was marked "Exhibit No. 212 and 212-A," and reads as follows:)

## EXHIBIT 212

## RADIO STATION WDSU

## APPLICATION FOR EMPLOYMENT

Office: Program

Department: TV - Program

Date: Feb. 2, 1953

Position Desired: TV - Producer - Director

## Personal History

Name: Herman Liveright Social Security No. \_\_\_\_\_

Address: 43 Chadwick Rd. White Plains, N. Y.  
(Street and No.) (City and State) (Telephone No.)

Age: 41 Date of Birth: Jan 11, 1912

Weight: 175 Height: 5' 11 1/2" Color of Hair: Black Do you wear glasses? Presby

Sex: Male Marital Status: Married

With whom do you live? wife, two children Dependents, if any 3 (wife, 2 children)

Mention Physical Defects or Serious Illness during past three years. none

Minimum Salary: \_\_\_\_\_ Are you entirely dependent on your salary? YES

Will you accept a probationary position? \_\_\_\_\_ How soon? \_\_\_\_\_

Recommended for this position by: \_\_\_\_\_

## Character References

(Do not include Relatives or Former Employers)

NAME	ADDRESS	OCCUPATION
<u>Leslie Groll</u>	<u>529 Royal St., La</u> <u>New Orleans, La</u>	<u>TV - Producer - Dir.</u>
<u>Les. Goldsmith</u>	<u>Plaza Hotel Annex</u>	<u>New York City, N. Y.</u>
<u>William Ross</u>	<u>New Canaan Road</u>	<u>New Canaan, Conn.</u>

ES

*Noted and  
Feb. 4, 1953* (OVER)

EXHIBIT 212-A

Form W-4 (Rev. Nov. 1951)  
U. S. Treasury Department  
Internal Revenue Service

## EMPLOYEE'S WITHHOLDING EXEMPTION CERTIFICATE

Print full name

*HERMAN LIVERIGAT*

Social Security No.

*090-01-64-4*

Print home address

## EMPLOYEE:

File this form with your employer. Otherwise, he must withhold U. S. income tax from your wages without exemption.

## EMPLOYER:

Keep this certificate with your records. If the employee is believed to have claimed too many exemptions, the Collector should be so advised.

## HOW TO CLAIM YOUR WITHHOLDING EXEMPTIONS

1. If SINGLE, and you claim an exemption, write the figure "1".....
2. If MARRIED, one exemption is allowed for the husband and one exemption for the wife.
  - (a) If you claim **both** of these exemptions, write the figure "2".....
  - (b) If you claim **one** of these exemptions, write the figure "1".....
  - (c) If you claim **neither** of these exemptions, write "0".....
3. If you claim exemptions for one or more dependents, write the number of such exemptions. (Do not claim exemption for a dependent unless you are qualified under instruction 3 on other side.).....
4. Additional exemptions for age and blindness:
  - (a) If you or your wife will be 65 years of age or older at the end of the year, and you claim this exemption, write the figure "1"; if **both** will be 65 or older, and you claim both of these exemptions, write the figure "2".....
  - (b) If you or your wife are blind, and you claim this exemption, write the figure "1"; if **both** are blind, and you claim both of these exemptions, write the figure "2".....
5. Add the number of exemptions which you have claimed above and write the total. 4

I CERTIFY that the number of withholding exemptions claimed on this certificate does not exceed the number to which I am entitled.

(Date) *Feb. 2*, 19 *53*

10-54717-3

(Signed)

*Herman Liverigat*

In what other work are you experienced?

Interviewed by:

*In addition to directorial duties*

Rating: *will work on special research projects*

*Proposed for overall position to pay \$125.00 minimum monthly.*

Mr. MORRIS. Mr. Fortier, I offer you two sets of documents: One, the nominating petitions purportedly signed by Betty Liveright and Herman Liveright, on the one hand; and, on the other hand, the two documents that were identified by Mr. Mandel here today, one of them being the employment application at WDSU, and the other being the checks from Tulane University.

And I ask you if the person signing, in the case of Betty Liveright, the nominating petitions, was the same as that appearing on the checks that are now in evidence?

Mr. FORTIER. I examined these signatures as endorser on the three checks mentioned, and the signature of Betty Liveright which appears on a document to the public relations department of Tulane University. I also examined all of the signatures which appear on these documents, appear at the bottom of the documents, and in two cases in the middle of the document. All signatures were compared over a period of time, and by using the proper tools, appliances, and scientific aids under the proper conditions, and I discovered highly individualized characteristics and writing habits, which enables me to reach the definite and positive opinion that all signatures were written by the same person.

Mr. MORRIS. That is, the same party?

Mr. FORTIER. That is correct.

Mr. MORRIS. The two Betty Liverights are one and the same?

Mr. FORTIER. That is correct.

Mr. MORRIS. And you make that determination on the basis of the analysis you have made on the two sets of handwriting?

Mr. FORTIER. That is correct.

Mr. MORRIS. Will you do the same thing with respect to the signatures of Herman Liveright?

Mr. FORTIER. I examined the signatures of Herman Liveright which appear on the application for employment at radio station WDSU, and the signature which appears on the employee's withholding exemption certificate, which are represented as standards of Liveright's natural handwriting.

I also examined the signatures of Herman Liveright which appear on these other documents from New York City; and after comparing the two, I have reached the definite opinion that the same person who signed these standards also signed the questioned signatures on the forms.

Mr. MORRIS. I think that is all of the information we want of this witness, Mr. Chairman. May he be excused?

Chairman EASTLAND. Yes.

I want to thank you for your services.

Mr. FORTIER. Very well, sir.

Mr. MORRIS. The next witness will be Mrs. Grady Jenkins.

Chairman EASTLAND. Is this your last witness?

Mr. MORRIS. There will be a supplemental witness or witnesses with respect to this particular witness, but this is the last main witness of the day.

Chairman EASTLAND. Would you hold your hand up?

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JENKINS. I do.

**TESTIMONY OF JUNESH JENKINS, NEW ORLEANS, LA., ACCOMPANIED BY ABRAHAM I. KLEINFELDT, HER COUNSEL**

Mr. MORRIS. Counsel, will you identify yourself for the record, please?

Mr. KLEINFELDT. Yes, sir. My name is Abraham I. Kleinfeldt, with offices at 107 Camp Street, suite 509, New Orleans. I am an attorney at law licensed to practice in the State of Louisiana.

Mr. MORRIS. Mrs. Jenkins, did you give your address to the reporter?

Mrs. JENKINS. No, I didn't.

Mr. MORRIS. Will you give your name and address to the reporter?

Mrs. JENKINS. Junesh Jenkins, 217½ Bourbon Street.

Senator WATKINS. I cannot hear you.

Mrs. JENKINS. Is this the mike?

Senator WATKINS. There is not a loudspeaker in the room, so you will have to speak up.

Mrs. JENKINS. Junesh Jenkins, 217½ Bourbon Street, New Orleans.

Mr. MORRIS. Where were you born, Mrs. Jenkins?

Mrs. JENKINS. I was born in New Orleans.

Mr. MORRIS. Will you tell the committee your maiden name?

Mrs. JENKINS. Modianos.

Mr. MORRIS. Pardon, will you spell it for the record?

Mrs. JENKINS. M-o-d-i-a-n-o-s.

Mr. MORRIS. Mrs. Jenkins, are you the wife of Grady Jenkins?

Mrs. JENKINS. Yes.

Mr. MORRIS. Have you been active in the Parent-Teachers Association in New Orleans?

Mrs. JENKINS. I object.

Mr. MORRIS. On what ground?

Mrs. JENKINS. I would like to read my objections to the committee.

Mr. MORRIS. Please do.

Mrs. JENKINS. I, Mrs. Junesh Jenkins, having been subpoenaed before the Internal Security Subcommittee, dated the 27th day of March 1956, returnable on April 3, 1956, hereby respectfully object to the power and jurisdiction of this committee to inquire into:

First, my political beliefs;

And second, into my personal and private affairs;

And third, my associations or activities.

I am a private citizen. I hold no office of public honor or trust. I am not employed by any governmental department or agency.

Mr. MORRIS. Mr. Chairman, might I point out——

Mrs. JENKINS. The grounds of my objections are as follows:

Mr. MORRIS. Are we going to have the witness read the whole statement?

Mrs. JENKINS. You granted me that right in the closed hearings.

Senator JENNER. How long is it?

Mrs. JENKINS. Any investigation——

Chairman EASTLAND. How long is the statement?

Mrs. JENKINS. Three short pages. O. K.?

The grounds of my objections are as follows:

Any investigation into my political beliefs, my associational activities, or into my personal and private affairs is beyond the power of this committee. (See *U. S. v. Rumely*, 345 U. S. 41; *McGrain v.*

*Daugherty*, 273 U. S. 135; *Kilbourne v. Thompson*, 103 U. S. 178; *Jones v. Securities and Exchange Commission*, 298 U. S. 1.) The Congress cannot by resolution increase their constitutional authority.

I claim the rights and privileges of the Constitution, particularly, but not limited to, the first amendment, the fifth amendment, and the articles relative to the separation of powers of the Government.

Chairman EASTLAND. Wait just a minute, now, please, ma'am.

If you invoke the fifth amendment, I don't care to go into the others.

I will overrule any objection except for the fifth amendment.

Mrs. JENKINS. Will you let me continue with my objection?

Chairman EASTLAND. No. I will take it into the record, but since you invoke the fifth, there is no purpose in going any further.

Mrs. JENKINS. But not only the fifth——

Chairman EASTLAND. I understand.

That will be attached to the record as a properly numbered exhibit.

(The document referred to was marked "Exhibit No. 213," and was filed with the subcommittee.)

Mrs. JENKINS. Shall I continue?

Mr. MORRIS. Have you been ordered by your Communist Party superiors to infiltrate the parent-teachers associations in this neighborhood?

Mrs. JENKINS. I object on the grounds previously stated. You didn't let me finish my objection.

Chairman EASTLAND. I know, but there are points——

Mrs. JENKINS. I would like to have read it. I am on television. All of these people—you can say, and I want to say——

Chairman EASTLAND. I understand that, but when you invoke the fifth amendment, that is the only one we recognize. Now, I will overrule all the others, and I will admit that into the record.

Mr. MORRIS. May I ask a question, Senator?

Chairman EASTLAND. Certainly.

Mr. MORRIS. Mrs. Jenkins, were you instructed by your Communist Party superiors in Baton Rouge to become associated with the Istoma Baptist Church in Baton Rouge?

Mrs. JENKINS. I object on the grounds previously stated.

Chairman EASTLAND. Did you live in Baton Rouge?

Mrs. JENKINS. I did.

Chairman EASTLAND. When?

Mrs. JENKINS. Two years ago, for approximately 2 years.

Mr. MORRIS. Did you live in Baton Rouge under the name of Marie Pratt?

Mrs. JENKINS. I object on the grounds previously stated.

Chairman EASTLAND. That is the fifth amendment?

Mrs. JENKINS. No, I want to claim more than just the fifth.

Chairman EASTLAND. All right, but you do claim the fifth?

Mrs. JENKINS. I claim the fifth, the first, the tenth, and the ninth, and any others——

Chairman EASTLAND. Oh, sure.

Mr. MORRIS. Mrs. Jenkins, did you live——

Chairman EASTLAND. Why did you use an alias at Baton Rouge?

Mrs. JENKINS. I object on the grounds previously stated. If you saw that television show last night, you know—a man changes his name five times——

Chairman EASTLAND. Lady, I am not interested in television shows. I am just interested in facts. And you can help your country.

Mr. MORRIS. Mrs. Jenkins, did you—and your husband, Grady Jenkins—live at 1017 N Street, Baton Rouge, under the aliases Louis and Marie Pratt, specifically up to 1954?

Mrs. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. Have you been the organizing secretary and member of the Louisiana State Committee of the Communist Party?

Mrs. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. Have you used the alias Judy Green?

Mrs. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. Have you used the alias Mrs. J. W. Green?

Mrs. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. Have you been known in Communist Party circles as "Gypsy"?

Mrs. JENKINS. Are you crazy?

Mr. MORRIS. Pardon?

Mrs. JENKINS. "Gypsy"? Oh, I object on the grounds previously stated.

Mr. MORRIS. If it is inaccurate, if our information is inaccurate, I wish you would say so.

Mrs. JENKINS. I object——

Senator WATKINS. When you object, you mean you refuse——

Mrs. JENKINS. I object on the grounds previously stated; the objection that is in the record, you know.

Senator WATKINS. I understand, but do you refuse to answer on those grounds?

Mrs. JENKINS. I object to answering, on the grounds previously stated.

Chairman EASTLAND. I order you to answer the question.

Mrs. JENKINS. I object to answering the question on the grounds previously stated.

Senator JENNER. Mr. Chairman, that is not a proper answer.

Chairman EASTLAND. Of course it is not.

Senator JENNER. She has an attorney there, and she may confer with the attorney to get it straightened out.

(The witness conferred with her counsel.)

Chairman EASTLAND. Now, answer the question.

Mrs. JENKINS. I think if you would have allowed me to read the whole objection, then it would be clear.

Chairman EASTLAND. Lady, you can object to answering, but—the fifth amendment——

Mrs. JENKINS. But I have the reasons right here.

Chairman EASTLAND. Wait. Let me explain.

As your counsel knows, that is not a refusal to answer. Now, I order and direct you to answer the question.

Mrs. JENKINS. What question was that?

Chairman EASTLAND. Read her the question.

(The question referred to was read by the reporter.)

Mrs. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. And do you refuse to testify?

Mrs. JENKINS. How do you mean, refuse to testify?

Mr. MORRIS. Do you refuse to answer the question, claiming your privilege under the fifth amendment?

Mrs. JENKINS. The fifth and first——

Mr. MORRIS. You realize the chairman has overruled you on all your objections except the fifth amendment.

Mrs. JENKINS. I still can object.

Mr. MORRIS. Let the record, Mr. Chairman, indicate that when the witness has so objected, she has refused to answer the question on the basis she has just set forth, including the basis under the fifth amendment.

Chairman EASTLAND. If that is true.

Mr. MORRIS. Is that right, Mrs. Jenkins?

Mrs. JENKINS. Excuse me.

(The witness conferred with her counsel.)

Mrs. JENKINS. I object to the question, and demand the right to give the reasons for my objections. If the committee denies me the right to object and give the grounds, all the grounds, for my objection, let the record show that.

Chairman EASTLAND. Lady, I say that is an untrue statement. We have not denied you the right to object. We are letting you object. But an objection and a refusal to answer are different things.

If your attorney there has studied law, he knows that very well. Now, you object. I order you to answer the question.

Mrs. JENKINS. And I refuse to answer the question on the basis of my objections.

Chairman EASTLAND. That is what I want you to say. On the basis of the fifth amendment?

Mrs. JENKINS. No; not only the fifth amendment, but it includes other things.

Chairman EASTLAND. It includes other things?

Mrs. JENKINS. It includes other things, let's add that.

Chairman EASTLAND. All right.

Senator WATKINS. All the objections you made as these questions were asked are intended to be refusals, as well; is that true?

Mrs. JENKINS. I refuse to answer the question until you have given me the right to read my objections, which I think is clear.

Senator WATKINS. In other words, you want to get on the television and make an act——

Mrs. JENKINS. No, I don't want to get on television, I don't want to make a debut on television, for heaven's sake.

Senator WATKINS. Well, the others have submitted it, and the chairman has said your full objection is in the record.

Mrs. JENKINS. Let's start again.

Senator WATKINS. I want to ask you now if, when you say——

Mrs. JENKINS. I refuse to answer the questions on the grounds previously given. Can I say that?

Senator WATKINS. I want to make sure the record will show all your——

Mrs. JENKINS. I am not a lawyer; you are getting me lost.

Chairman EASTLAND. You have an attorney there.

Mrs. JENKINS. Yes.

Senator WATKINS. Then if it is necessary, we will have to read them all back to you, and find out whether you refuse to answer all of these, we want to know whether you refuse to answer.

Mrs. JENKINS. Can I say I decline to answer the questions on the grounds previously stated?



Chairman EASTLAND. Certainly.

Senator WATKINS. And "decline" means the same as "refuse."

Mrs. JENKINS. Yes. It is a little nicer word.

Senator WATKINS. All right, it is a nice word, but you still will not answer. That is what we want to know.

Mr. MORRIS. Mrs. Jenkins, did you, in December 1955, move to Mandeville, La.?

Mrs. JENKINS. I decline to answer that question.

Mr. MORRIS. For the reasons stated?

Mrs. JENKINS. For the reasons already stated.

Mr. MORRIS. Did you use an alias when you lived in Mandeville, La.?

Mrs. JENKINS. I decline to answer that question for the reasons previously stated.

Mr. MORRIS. Mrs. Jenkins, I offer you a photograph, and I ask you if you can identify the circled picture in this photograph as a picture of yourself.

(Photograph handed to the witness.)

Mrs. JENKINS. May I speak to my counsel?

Chairman EASTLAND. Certainly.

Mr. MORRIS. You may.

(The witness conferred with her counsel.)

Mrs. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. I mention to you now, Mrs. Jenkins, I offer you now the New Orleans Item for April 4, 1956, page 1, which bears a caption to the same picture reading, "Almost 10 years ago, on October 30, 1946, the Item ran this picture of a Communist Party meeting at 417 Godchaux Bldg. At this particular meeting was (circled) a woman identified as Junesh Modianos."

That is your maiden name, is it not?

The nod means "yes"?

Mrs. JENKINS. Yes, that is my maiden name. You asked me that question.

Mr. MORRIS (reading): "One of the witnesses subpoenaed for tomorrow's Senate probe of possible Communist activity here is Mrs. Junesh Modianos Jenkins. At the time this picture was taken, the Communist party was operating openly, and sometimes non-Communists as well as Communists attended."

I ask you, Mrs. Jenkins, was that a correct description by the Item of the picture therein?

Mrs. JENKINS. I decline to answer the question on the grounds previously stated.

Mr. MORRIS. Were you a Communist Party member at the date of that particular picture?

Mrs. JENKINS. I decline to answer on the grounds previously given.

Mr. MORRIS. I have no more questions of this particular witness.

Mr. Chairman, may that photograph and the New Orleans Item both be introduced into the record at this time?

(The documents referred to were marked "Exhibit No. 214" and appear on a following page.)

## EXHIBIT 214



Almost 10 years ago, on October 30, 1946, the Item ran this picture of a Communist Party meeting at 417 Godchaux Building. At this particular meeting was (circled) a woman identified as Junesh Modianos. One of the witnesses subpoenaed for tomorrow's Senate probe of possible Communist activity here is Mrs. Junesh Modianos Jenkins. At the time this picture was taken, the Communist Party was operating openly, and sometimes non-Communists as well as Communists attended.

Mr. MORRIS. Mrs. Jenkins, will you identify the pictures of the other members who appear in that picture?

Mrs. JENKINS. I decline to do that.

Mr. MORRIS. For the reasons given?

Mrs. JENKINS. For the reasons given.

Mr. MORRIS. I have no more questions of this witness.

Mr. Huey Yaun, Miss Eula Bourn, and Marie Robertson, will you come forward, please?

Mrs. Jenkins, do you recognize these three people who are now walking toward you?

Chairman EASTLAND. Wait a minute. Just stand there.

(The witness conferred with her counsel.)

Mrs. JENKINS. I decline to answer on the grounds previously stated.

Chairman EASTLAND. That is the fifth amendment.

Now, where is Mr. Jenkins?

Mr. KLEINFELDT. He is here, sir.

Mr. MORRIS. Mr. Jenkins, will you come forward, Grady Jenkins?

Mr. Chairman, Mr. Jenkins will testify fully tomorrow, but for the purposes of identification, may he be sworn in?

Chairman EASTLAND. Hold your hand up.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JENKINS. I do.

# TESTIMONY OF GRADY JENKINS, NEW ORLEANS, LA., ACCOMPANIED BY ABRAHAM I. KLEINFELDT, HIS COUNSEL

Chairman EASTLAND. I ask you if you will identify these witnesses.  
Mr. JENKINS. Senator Eastland, I would like to consult with my attorney.

Chairman EASTLAND. Yes, sir; you may consult with your attorney.  
(The witness conferred with his counsel.)

Mr. JENKINS. Senator, I refuse to answer on the grounds of the 1st, 5th, 9th, and 10th amendments.

Chairman EASTLAND. All right; O. K.

Now, stand aside, please.

Mr. MORRIS. Mr. Chairman, let the record show——

Chairman EASTLAND. Let the record show that all are overruled except the fifth.

Mr. MORRIS. Will you take the stand, please? Will you raise your right hand?

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Miss BOURN. I do.

## TESTIMONY OF EULA BOURN, BATON ROUGE, LA.

Mr. MORRIS. Please state your name, residence, and occupation.

Miss BOURN. Eula Bourn; E-u-l-a, B-o-u-r-n.

Mr. MORRIS. Where do you reside, Miss Bourn?

Miss BOURN. 2861 McGrath, M-c-G-r-a-t-h, Baton Rouge, La.

Chairman EASTLAND. In Baton Rouge?

Miss BOURN. Baton Rouge.

Mr. MORRIS. Are you Miss or Mrs.

Miss BOURN. Miss.

Mr. MORRIS. Do you recognize the previous two witnesses who have testified here today? They testified under the name of Grady Jenkins and Junesh Jenkins.

Miss BOURN. Only one.

Mr. MORRIS. You recognize one of them. Which is that?

Miss BOURN. Mrs.

Mr. MORRIS. Did you know her as Mrs. Jenkins?

Miss BOURN. I did not.

Mr. MORRIS. When did you know Mrs. Jenkins?

Miss BOURN. I am not sure. I would say approximately 2 or 3 years ago.

Mr. MORRIS. Did she live in Baton Rouge at the time?

Miss BOURN. Yes; she did.

Mr. MORRIS. At what address did she live at Baton Rouge?

Miss BOURN. I am sorry; I can't give it to you.

Mr. MORRIS. Do you know the street she lived on?

Miss BOURN. No; I do not.

Mr. MORRIS. Did you know her by a name other than Mrs. Jenkins?

Miss BOURN. Yes; I did.

Mr. MORRIS. What name did you know her by?

Miss BOURN. Marie Pratt.

Mr. MORRIS. Did she tell you at that time or give you any reason to believe that was not her real name?

Miss BOURN. I had no reason not to believe that.

Mr. MORRIS. What was she doing in Baton Rouge at that time?

Miss BOURN. She was employed at the same store I was.

Mr. MORRIS. What store was that?

Miss BOURN. Dalton's.

Mr. MORRIS. I have no more questions of this witness, Mr. Chairman.

Chairman EASTLAND. Senator Watkins?

Senator WATKINS. The lady who testified is the one that you knew as Mrs. Pratt; is that right?

Miss BOURN. Yes, sir.

Mr. MORRIS. Mr. Chairman, this witness was called for the purpose of establishing the fact that Mrs. Grady Jenkins did work in Baton Rouge in Louisiana, and that she worked there under an alias. I have no more questions of this witness.

Senator WATKINS. I would like to ask her, how long did you work there with her?

Miss BOURN. I cannot tell you. I was employed there when she came, and, of course, I am still there. It was, I would say, maybe 2 years.

Senator WATKINS. Well, you became rather intimately acquainted with her during that period of time?

Miss BOURN. I wouldn't say intimately. I was very friendly toward her.

Senator WATKINS. There can't be any doubt in your mind that the lady who appeared here was the same person you knew as Marie Pratt?

Miss BOURN. It is the same person.

Senator WATKINS. It is the same. That is all.

Mr. MORRIS. Thank you very much.

Senator JENNER. I have no questions.

Chairman EASTLAND. Thank you. I appreciate your cooperation.

Miss BOURN. Thank you.

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ROBERTSON. I do.

### TESTIMONY OF MARIE ROBERTSON, BATON ROUGE, LA.

Mr. MORRIS. Will you be seated.

Will you give your name and address to the reporter, please?

Mrs. ROBERTSON. Mrs. Marie Robertson, 839 North 33d, Baton Rouge.

Mr. MORRIS. Mrs. Marie Robertson.

Mrs. Robertson, can you identify either of the two witnesses who have testified here this morning as Grady Jenkins, or his wife, Junesh Jenkins?

Mrs. ROBERTSON. Yes; I can.

Mr. MORRIS. Did you know both those people?

Mrs. ROBERTSON. Yes, sir.

Mr. MORRIS. Did you know them both under the name of Jenkins?

Mrs. ROBERTSON. No, sir; I didn't.

Mr. MORRIS. When did you know these people?

Mrs. ROBERTSON. Well, when she came to Baton Rouge, about 2 years ago. She was employed at the same store that I am.

Mr. MORRIS. What store is that?

Mrs. ROBERTSON. Dalton's.

Mr. MORRIS. And under what name did you know Mrs. Jenkins?

Mrs. ROBERTSON. Marie Pratt.

Mr. MORRIS. Marie Pratt. That is P-r-a-t-t?

Mrs. ROBERTSON. Yes, sir.

Mr. MORRIS. And she was a fellow worker of yours at Dalton's Department Store?

Mrs. ROBERTSON. Yes, sir.

Mr. MORRIS. Did you know Mr. Grady Jenkins?

Mrs. ROBERTSON. Yes, sir.

Mr. MORRIS. Under what name did you know him?

Mrs. ROBERTSON. Art Pratt.

Mr. MORRIS. Art Pratt?

Mrs. ROBERTSON. Yes, sir.

Mr. MORRIS. Art, A-r-t, Pratt.

Did you know that the name "Art Pratt" and "Marie Pratt" was a name other than their real name?

Mrs. ROBERTSON. No, sir; I didn't.

Mr. MORRIS. You had no reason to believe that that was the case?

Mrs. ROBERTSON. No, sir; I didn't.

Mr. MORRIS. I have no more questions.

Senator WATKINS. For how long a period of time did you know them?

Mrs. ROBERTSON. About 2 or 3 years; at the time she was employed in the store until the time she left Baton Rouge.

Senator WATKINS. Did you have an intimate acquaintance with these people?

Mrs. ROBERTSON. We were very friendly, but that was all.

Senator WATKINS. Is there any doubt in your mind that the people who testified here and give the name of Jenkins were the same people you knew as Pratt in Baton Rouge?

Mrs. ROBERTSON. Yes, sir; they are the same people.

Senator WATKINS. But there is not any doubt in your mind about it, is there?

Mrs. ROBERTSON. No, sir.

Senator WATKINS. That is what I wanted to know.

Senator JENNER. Did you ever visit at their home?

Mrs. ROBERTSON. Yes, sir.

Senator JENNER. Did they ever visit at your home?

Mrs. ROBERTSON. Yes, sir.

Senator JENNER. No further questions.

Chairman EASTLAND. We thank you for your cooperation.

Senator WATKINS. By the way, you were one of those who stood in front of those witnesses when they were asked to state whether or not they met or could identify you?

Mrs. ROBERTSON. Yes, sir.

Chairman EASTLAND. You have been very helpful.

Call your next witness.

Mr. MORRIS. The next witness, please.

Chairman EASTLAND. Do you solemnly swear the testimony you

are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. YAUN. I do.

### TESTIMONY OF HUEY YAUN, BATON ROUGE, LA.

Mr. MORRIS. Will you give your name and address to the reporter, please?

Mr. YAUN. My name is H-u-e-y Yaun.

Mr. MORRIS. Spell it, please.

Mr. YAUN. Y-a-u-n.

Mr. MORRIS. Where do you reside, Mr. Yaun?

Mr. YAUN. 4068 Convention Street, Baton Rouge, La.

Mr. MORRIS. What is your occupation, Mr. Yaun?

Mr. YAUN. Assistant manager of the Yaun Manufacturing Co.

Mr. MORRIS. I see. For how long have you resided in Baton Rouge?

Mr. YAUN. All my life.

Mr. MORRIS. Were you able to recognize the two witnesses who have testified here this morning as Grady Jenkins and his wife, Mrs. Grady Jenkins?

Mr. YAUN. I recognized only one.

Mr. MORRIS. Which is that?

Mr. YAUN. The one that is Grady Jenkins.

Mr. MORRIS. You only recognize Grady Jenkins?

Mr. YAUN. Yes, sir.

Mr. MORRIS. Did you know him as Grady Jenkins?

Mr. YAUN. No, sir.

Mr. MORRIS. Where did you know this man?

Mr. YAUN. He was employed for us.

Mr. MORRIS. He was employed for you at one time in Baton Rouge?

Mr. YAUN. Yes, sir.

Mr. MORRIS. Was he employed under the name of Grady Jenkins?

Mr. YAUN. No, sir.

Mr. MORRIS. Under what name was he employed?

Mr. YAUN. Louis Pratt.

Mr. MORRIS. Louis Pratt?

Mr. YAUN. Yes, sir.

Mr. MORRIS. Did you have any reason to believe the name Louis Pratt was a name other than his real name?

Mr. YAUN. No, sir.

Mr. MORRIS. Did he ever indicate to you, in any way he had a reason for using an alias?

Mr. YAUN. No, sir.

Mr. MORRIS. And you did not know his name was Grady Jenkins?

Mr. YAUN. No, sir.

Mr. MORRIS. I have no other questions.

Chairman EASTLAND. Senator Watkins?

Senator WATKINS. No questions.

Senator JENNER. No questions.

Chairman EASTLAND. We will recess now until 10 tomorrow morning.

We thank you for your cooperation.

(Whereupon, at 12:55 p. m., the subcommittee recessed, to reconvene at 10 a. m., Friday, April 6, 1956.)

## SCOPE OF SOVIET ACTIVITY IN THE UNITED STATES

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FRIDAY, APRIL 6, 1956

UNITED STATES SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS,  
OF THE COMMITTEE ON THE JUDICIARY,  
*New Orleans, La.*

The subcommittee met, pursuant to recess, at 10:05 a. m., in Federal courtroom 245, United States Post Office Building, New Orleans, La., Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, Jenner, and Watkins.

Also present: Robert Morris, chief counsel; Benjamin Mandel, research director; and Frank W. Schroeder, chief investigator.

Chairman EASTLAND. The committee will come to order.

Who is your first witness?

Mr. MORRIS. I have about two questions for Mrs. Feise and Mrs. Jenkins, and I think if we took those at the very outset, those women could be excused for the day, Senator.

The record will show that Mrs. Feise has been sworn and appears here under oath.

### TESTIMONY OF WINIFRED FEISE—Resumed

Mr. MORRIS. Mrs. Feise, have you been working in church groups here in New Orleans?

(The witness conferred with her counsel.)

Mrs. FEISE. I stand on my previous objections, and refuse to answer that question.

Mr. MORRIS. Mrs. Feise, have you not been asked by your superiors, in fact directed by your superiors, in the Communist Party to infiltrate church groups?

Mrs. FEISE. I stand on the same objections.

Mr. MORRIS. That is, under your privilege against self-incrimination?

Mrs. FEISE. And all the other objections that I submitted originally.

Mr. MORRIS. You understand the others have been overruled; however, your claim of privilege of the——

Mrs. FEISE. However, I would like the others to stand in the record, because they are important to me.

Mr. MORRIS. Have you collected money from the members of the professional group of the Communist Party?

Mrs. FEISE. I object on the same grounds.

Mr. MORRIS. Have you been closely associated with Pauline Feuer, who testified here yesterday?

Mrs. FEISE. I object on the same grounds.

Mr. MORRIS. Do you know Pauline Feuer?

Mrs. FEISE. I object to answering any of these questions.

Mr. MORRIS. Do you know Pitts O'Dell, the district organizer of the Communist Party here in New Orleans?

Mrs. FEISE. I object on the same grounds.

Mr. MORRIS. Did you know a man named Harold Kahn, who was active with Arthur Wright in the Port Travel Service prior to the time that Mr. Feise took over that organization?

Mrs. FEISE. I object on the same grounds.

Mr. MORRIS. I have no more questions of this particular witness, Senator.

Senator WATKINS. I would like to ask the witness if, when she says she objects, she means she refuses to answer.

Mrs. FEISE. Yes, Senator.

Senator WATKINS. It was not clear.

Mrs. FEISE. Yes, I object to the question and I refuse to answer.

Chairman EASTLAND. On the fifth amendment?

Mrs. FEISE. Including my other objections.

Chairman EASTLAND. I understand.

Mrs. FEISE. You only accept the fifth amendment, but I refer to the other amendments.

Mr. MORRIS. Senator, as far as I am concerned, Mrs. Feise can be excused.

Senator JENNER. I have no questions.

Chairman EASTLAND. You may be excused.

Mrs. FEISE. Does it mean I am excused from subpena?

Chairman EASTLAND. Yes.

Who is your next witness?

Mr. MORRIS. Mrs. Jenkins, please.

### TESTIMONY OF JUNESH JENKINS—Resumed

Mr. MORRIS. This witness has been sworn previously, Mr. Chairman.

Mr. KLEINFELDT. Mr. Chairman, as a personal and professional privilege, and a personal favor, I would like to be given the opportunity at this time to make a short statement of fact under oath, please, sir.

Chairman EASTLAND. Well, now, that is a matter that we will decide. He desires to ask the witness some questions. Sit down, sir. You can't interrupt a hearing.

Proceed, Mr. Counsel.

Mr. MORRIS. Mrs. Jenkins, have you been liaison between the Communist Party organization and Richard Feise, head of the professional group of the Communist Party here in New Orleans?

Mrs. JENKINS. I decline to answer on the same grounds given yesterday.

Mr. MORRIS. Mrs. Jenkins, in 1955, did you make the statement that you considered a \$5 pledge to the Communist Party as an insult to that organization?

Mrs. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Mrs. Jenkins, do you know Hunter Pitts O'Dell, the district organizer of the Communist Party?



Mrs. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. I have no more questions, Senator, of this witness.

Senator JENNER. No questions.

Senator WATKINS. No questions.

Chairman EASTLAND. Now, Mr. Counsel, you have stated you desire to testify. It is our policy to have executive hearings first. If you desire to testify, then I will hear you in executive session, and then the committee will decide on whether or not—

Mr. KLEINFELDT. Sir, I desire to make a statement of fact regarding myself, personally, not in executive hearing but in public.

Chairman EASTLAND. I say, though, we are not going to change the rules just to accommodate one person. It is our custom to always have executive sessions first, and the reasons for it have been explained, and I judge you well know those reasons.

Now, if you desire to make a statement to us, we will take it in executive session, and then we will decide whether to use it in open session or not. The same rules that apply to everyone else will apply to you, sir.

All right, sir, I will appoint Senator Jenner to take it in executive session back here.

Mr. KLEINFELDT. No, sir; I will not make any statement in executive session. My offer is to make a statement—

Chairman EASTLAND. Sit down, sir.

Mr. KLEINFELDT (continuing). Of my own position, sir, publicly.

Chairman EASTLAND. You want favored treatment, and we are not going to give you favored treatment.

Give me a subpoena.

Mrs. JENKINS. Am I excused?

Mr. MORRIS. Will you give your name and address to the committee, Mr. Counsel?

Mr. KLEINFELDT. Abraham I. Kleinfeldt, 107 Camp Street.

Mr. MORRIS. One second. Abraham I. Kleinfeldt. Will you spell that?

Mr. KLEINFELDT. K-l-e-i-n-f-e-l-d-t.

Mr. MORRIS. That is f-e-l-d-t.

Mr. Kleinfeldt, the chairman has instructed me to give you a forthwith subpoena to testify before Senator Jenner in the adjoining courtroom. Would you take this subpoena, Mr. Kleinfeldt?

Let the record show that this is a session requested by Mr. Kleinfeldt.

Senator JENNER. Just a moment, Mr. Chairman. In order that the witness cannot contend she is being deprived of counsel—

Chairman EASTLAND. We will take a recess for a few minutes.

(Short recess.)

Chairman EASTLAND. Now, you are going to be given an opportunity to make the statement. I want you to remain in the courtroom and stand aside for just a few minutes until we get rid of some testimony, and then we will take you, sir.

Mr. KLEINFELDT. Yes, sir.

Mr. MORRIS. Mr. Chairman, I would like to offer for the record at this time a telegram that I received last night from the law firm of Rabinowitz & Boudin, which was supplemented by a phone conversa-

tion that I had with Leonard Boudin of that firm. The telegram reads:

Unsuccessfully attempted to reach you by telephone today on behalf of Mr. and Mrs. Robert Blanchard. Perhaps this telegram was not clear enough. He is afraid of airplanes and has never been on one. Even if he could be persuaded to get a plane he would be in no condition, nor would his wife, to testify. They would have no time to retain counsel or be represented by counsel, and be unable to make arrangements for their child.

We respectfully suggest the matter be set down for sometime next week upon sufficient notice for these purposes and for travel by train.

(Signed) RABINOWITZ & BOUDIN.

Chairman EASTLAND. All right, sir. That will be set down for a hearing in Washington next Wednesday morning at 10:30.

Mr. MORRIS. That is for Mr. and Mrs. Blanchard, both.

Chairman EASTLAND. Yes.

Mr. MORRIS. We will see that a telegram goes to Mr. Boudin at once, directing him to be in Washington next Wednesday.

Mr. Chairman, we have not as yet been able to serve Mr. Hunter Pitts O'Dell. Our information is, we have been informed, he is the district organizer of the Communist Party in New Orleans.

We have a report now that he may now be boarding a plane, and we may have a later report this morning on that, Mr. Chairman.

The next witness will be Sgt. Peter Porretto.

Mr. Porretto, take the stand, please.

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PORRETTO. I do, sir.

### TESTIMONY OF PETER JOSEPH PORRETTO, SERGEANT, NEW ORLEANS POLICE DEPARTMENT

Mr. MORRIS. Mr. Porretto, will you give your full name and address to the reporter?

Mr. PORRETTO. Peter Joseph Porretto, P-o-r-r-e-t-t-o.

Mr. MORRIS. What is your residence?

Mr. PORRETTO. I live at 610 Second Street, New Orleans, La.

Mr. MORRIS. What is your occupation?

Mr. PORRETTO. I am a sergeant in the New Orleans Police Department.

Chairman EASTLAND. Sergeant, let me ask you this question: Are you a member of the Communist Party?

Mr. PORRETTO. No, sir.

Chairman EASTLAND. You are not afraid to answer that question.

Mr. PORRETTO. No, sir.

Mr. MORRIS. Do you work under the direction of W. Guy Banister?

Mr. PORRETTO. I do, sir.

Mr. MORRIS. And were you trying to assist the subcommittee in trying to serve a subpoena on Hunter Pitts O'Dell?

Mr. PORRETTO. I was trying to arrest Hunter Pitts O'Dell. I had no subpoena.

Mr. MORRIS. I see. Did you, in the course of that assignment, visit the residence of Mr. O'Dell?

Mr. PORRETTO. Yes; I did.

Mr. MORRIS. Will you tell us about that episode?

Mr. PORRETTO. I was directed by Sergeant Badeaux to go to 2317 Louisiana Avenue and to seize any materials that I found there.

When I arrived there, the landlady took us next door to where he lived, in the front room at 2319; and upon making a search of his room, I found the materials, evidence, that I see here.

I notified Sergeant Badeaux as to what I had found, and he came down and together we took the materials back to Mr. Banister's office at police headquarters.

Mr. MORRIS. Now, are they the papers that you found in Mr.——

Mr. PORRETTO. Yes, sir. What you see there is all the stuff that we seized.

Mr. MORRIS. And will you describe those to the committee, generally?

Mr. PORRETTO. They are various pamphlets and newspapers.

Mr. MORRIS. Are there handwritten notes there?

Mr. PORRETTO. There were some. There were some handwritten notes; yes, sir.

Mr. MORRIS. And you turned those over to Sergeant Badeaux; is that correct?

Mr. PORRETTO. Yes, sir.

Mr. MORRIS. I have no more questions of this witness, Senator.

Chairman EASTLAND. Any questions of this witness?

Senator JENNER. No questions.

Senator WATKINS. No questions.

Mr. MORRIS. Sergeant Badeaux.

Chairman EASTLAND. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BADEAUX. I do.

### TESTIMONY OF HUBERT J. BADEAUX, SERGEANT, NEW ORLEANS POLICE DEPARTMENT

Mr. MORRIS. Sergeant Badeaux, would you give your full name and address to the reporter?

Mr. BADEAUX. Hubert J. Badeaux, 241 Hickory Street.

Mr. MORRIS. Will you spell your last name, please?

Mr. BADEAUX. B-a-d-e-a-u-x.

Mr. MORRIS. What is your occupation?

Mr. BADEAUX. Sergeant, New Orleans Police Department, presently assigned to police bureau of investigation as agent in charge of intelligence affairs.

Mr. MORRIS. I see. And you work under the direction of W. Guy Banister?

Mr. BADEAUX. Chief Guy Banister; yes, sir.

Mr. MORRIS. Did you hear the testimony of the last witness?

Mr. BADEAUX. Yes, sir; I heard it, Mr. Morris.

Mr. MORRIS. What did you do with the papers of Hunter Pitts O'Dell, papers and personal effects described by Sergeant Porretto, after he received them?

Mr. BADEAUX. We immediately proceeded to sort these papers into some semblance of classification, and to analyze as much as we could before the time of this hearing, Judge.

Mr. MORRIS. I see.

Then did you turn them over to the Internal Security Subcommittee? Did you make them available?

Mr. BADEAUX. Yes, sir. The research director, Mr. Benjamin Mandel, was notified anything in that material that could be helpful to this committee, would be available.

Mr. MORRIS. I have no more questions of this witness.

Chairman EASTLAND. Any questions?

Mr. MORRIS. Will you identify the box for the subcommittee, Sergeant?

Mr. BADEAUX. The box itself?

Mr. MORRIS. Yes.

Mr. BADEAUX. Sergeant Porretto would have to do that, Mr. Morris. I didn't take that box from the room. Sergeant Porretto did.

Senator WATKINS. Aren't those the boxes it was brought in?

Mr. BADEAUX. This large box; the other boxes were obtained by the police department to aid in classification of the material, Senator.

Senator WATKINS. The materials were all placed in those boxes to the right of you now, as you sit at the witness stand?

Mr. BADEAUX. Yes, sir.

Senator JENNER. Mr. Chairman, may I ask a question of this witness?

Chairman EASTLAND. Yes.

Senator JENNER. Sergeant, are you now or have you ever been a member of the Communist Party?

Mr. BADEAUX. No, I have not, I am not now, and never intend to be, Senator.

Senator JENNER. Thank you very much. It is a very refreshing answer.

Mr. MORRIS. I have no more questions, Senator.

Chairman EASTLAND. We certainly thank you for your cooperation.

Mr. BADEAUX. Thank you.

Mr. MORRIS. Mr. Mandel will now take the stand.

### TESTIMONY OF BENJAMIN MANDEL—Resumed

Mr. MORRIS. Mr. Mandel, before testifying about the O'Dell papers, will you describe the handwritten documents, the handwriting expert's documents you have in your hand?

I would like to put these in the record and have them appear in the record after the testimony of Mr. Fortier yesterday, Senator.

Mr. MANDEL. This is a chart of Gilbert J. Fortier, Jr., examiner of questioned documents, and is entitled "A Composite of Standard and Questioned Signatures of Betty Liveright and Herman Liveright, Signatures Placed Side by Side and Enlarged for Purposes of Comparison and Demonstration."

I present these for the record.

Mr. MORRIS. Mr. Chairman, before Mr. Mandel testifies—Mr. Mandel was sworn yesterday—I would like to point out that he has been for 35 years a student of the Communist movement; from 1947 to 1951, was the research director of the House Un-American Activities Committee; and since 1951 has been the research director for the United States Senate Internal Security Subcommittee.

Mr. MANDEL. Mr. Chairman, in evaluating these documents, we first of all came across a number of lists of names, hundreds of names,

and in order not to involve innocent persons, these names are not being used for the record. I hope they will be the subject of further study.

Now, the papers were divided into categories——

Chairman EASTLAND. Of course, we are not going to publicize those names, but I want the lists, a copy of them, attached to your testimony as an exhibit.

Mr. MANDEL. Yes, sir.

Chairman EASTLAND. It is not a part of the printed record.

Senator WATKINS. That will not be open, of course, to inspection.

Senator JENNER. May I ask a question. Are these names you referred to—and I do not want you to name any of the names of the individuals—were they in longhand or were they typewritten names?

Mr. MANDEL. There were typewritten names, and names in longhand, and many of these sheets had no designation to indicate what they signified, so I thought it only proper not to introduce those names.

Senator JENNER. Were the longhand names all in the same handwriting, or were they different?

Mr. MANDEL. I am not a handwriting expert, and we tried to get the handwriting judged by Mr. Fortier, but there was not sufficient time and facilities to make the thorough study that we had hoped for.

Mr. MORRIS. Mr. Mandel, you have made up a summary, have you not, of these documents?

Mr. MANDEL. Yes, sir.

Mr. MORRIS. And the various classifications?

Mr. MANDEL. Yes, sir.

Mr. MORRIS. You have a summary here of papers found in the room of H. P. O'Dell?

Mr. MANDEL. Yes, sir.

Mr. MORRIS. By just describing the general classification, tell us what were in those papers.

Mr. MANDEL. Yes, sir.

Now, exhibit 1 is just a sample of O'Dell's handwriting, but that is just printed, so that didn't furnish us enough for our purposes.

Exhibit 2 is a group of memo pads, and I will just give you the outstanding points in some of these.

In this group of slips there is one showing the name of the most outstanding freshman at Mississippi Southern College——

Chairman EASTLAND. Now, wait just a minute. I don't think that names of individuals should be published anywhere unless we have had an investigation.

Senator JENNER. He is not naming the names. It is a classification, is it not? You are not referring to a person's name.

Mr. MANDEL. Yes, a person is given, but I don't name the person.

Mr. MORRIS. Mr. Mandel points out this is not in the context of somebody who was a Communist Party member or any such thing; it just shows the Communists are interested in knowing who the outstanding freshman might be in a particular college.

Chairman EASTLAND. I don't think names should be given until it is an executive session.

Senator WATKINS. I think we should stand on it without naming names. That is what I understood he was to do, without giving names, but classifications.

Mr. MANDEL. Correct.

Then in the same group of slips is the mother of a wounded Korean soldier, and the parents of servicemen; names and addresses are given.

Now, to indicate the scope of the targets set by the individuals whose records I am discussing, there were in this file a list of weekly newspapers and broadcasting stations in Louisiana; the principals in the St. Landry (La.) Parish schools; a list of the Methodist ministers; a list of Louisiana libraries; a list of Louisiana daily newspapers; a list of labor unions; and also, a list of women's organizations in Baton Rouge, La.—and I say that in no derogatory respect to the organizations mentioned. Those were the lists in this file.

Now then, further, there were 2 social security cards, 1 made out to John Vesey, No. 434-52-1139, and 1 made out to Ben Jones, No. 422-48-9391.

Mr. MORRIS. Do you have those cards with you?

Mr. MANDEL. I have those right here.

Mr. MORRIS. Mr. Chairman, at this point I would like to mention that the committee was going to ask Mr. Hunter Pitts O'Dell whether or not he had passed under three separate aliases, John Vesey, Ben Jones, and Hunter Pitts O'Dell.

Chairman EASTLAND. I am going to order those cards turned over to the Department of Justice, if that is true.

Mr. MORRIS. I might add, Senator, when we were trying to serve O'Dell, we were told—the process server was in the restaurant where we had reason to believe he was working; we were asking for Hunter Pitts O'Dell—we received an anonymous phone call that even while we were attempting to serve him there, he was in the restaurant under the name of Ben Jones. Of course, the committee did not know that.

Mr. MANDEL. Next as an exhibit, I have here a partial list of sponsors of the Southern Conference Educational Fund.

Mr. MORRIS. Item 11, Mr. Mandel, was proposals on farm work for party organization in the South. You didn't pass over that one, did you?

Mr. MANDEL. There are two items of that kind. One is proposals on farm work for party organization in the South; and then a program for southern farmers.

Then I have here, Hunter Pitts O'Dell was identified before us as the district organizer of the Communist Party.

Senator WATKINS. What exhibit number is that?

Mr. MANDEL. This is exhibit No. 17, dated February 3, 1956, addressed to "All districts," and it is signed, "Comradely, Martha Stone," who is one of the Smith Act cases. I believe she was convicted. And this gives instructions on the circulation of the Daily Worker in this district.

Now, there are handwritten notes regarding the Montgomery bus strike, and listed in that sheet is the following quotation:

Because they have pledged to support our program, we want to elect the following candidates—

and this list—

Mr. MORRIS. Mr. Mandel, before you mention the candidates, I think they would be under the same injunction placed by the committee on names.

Chairman EASTLAND. That is the Communist Party which supports certain candidates? Answer my question, please.

Mr. MANDEL. Sir?

Chairman EASTLAND. I say, that is a statement that the Communist Party will support certain candidates?

Mr. MANDEL. That is a statement of the writer to the effect that he proposes to support certain candidates, certain candidates in the State of Louisiana. Their names are given, but I will not mention them; no.

Mr. MORRIS. There are three names given, but we won't put those in the record.

Mr. MANDEL. Then there is a receipt from New Century Publishers for \$8.83, New Century Publishers being the Communist Party publishing house. This is dated September 7, 1955.

Senator WATKINS. Where is that publishing house located?

Mr. MANDEL. In New York City. I have the receipt right here. It is 832 Broadway, New York 3, N. Y., and it is made out to A. B.; initials are used throughout these documents rather than names. This is receipt No. 5717.

Now, I have a very interesting document here, which is entitled "How to detect propaganda."

Mr. MORRIS. Are you prepared to read excerpts from that, Mr. Mandel?

Mr. MANDEL. I will read excerpts.

Now, as a student—

Senator WATKINS. What exhibit number is that?

Mr. MANDEL. This is exhibit No. 23.

Senator WATKINS. I think as you bring it out, it ought to be numbered, and as we go back to study the record we will know which exhibit you referred to definitely.

Mr. MANDEL. As a student, this is very interesting material. I will read excerpts from it, "How to detect propaganda."

Propaganda is an expression or opinion used by people to influence us to believe what we hear without knowing the real truth. Name calling is a device to influence us to draw our own conclusion about what we hear about other people without knowing the real truth. Many of the pioneers of modern science were called heretics and other bad names, such as Fascists, Communists, etc. Al Smith called Roosevelt a Communist. When Al Smith was campaigning for the Presidency, he was accused of being a something of the Pope because he was a Catholic.

Then he has a heading entitled, "Glittering Generalities," and he discusses propaganda under that heading. I won't read the whole document. I just present it, unless you want it further.

Then—

Senator WATKINS. Mr. Mandel, did I notice that is in handwriting?

Mr. MANDEL. Handwriting.

Mr. MORRIS. Mr. Chairman, that whole paper may go into the record, may it not?

Chairman EASTLAND. Yes, sir; they all will go into the record.

Mr. MANDEL. Then we have handwritten notes which read as follows, and some of this is abbreviated, but the abbreviations are obvious:

Object of security today is to conceal from enemy function of party apparatus. Previously we concealed individual whereabouts as well as function of apparatus.

That is—

Senator WATKINS. Which exhibit number is that?

Mr. MANDEL. Exhibit No. 25 in this list.

We have also, from his handwritten notebook, exhibit No. 27, a reference to "Facts for Farmers," at 39 Cortlandt Street, New York.

Now, "Facts for Farmers" is a publication of Farmers Research, which is a Communist-front organization.

Then the notes further state—

night school classes in rural areas are forums—very important.

Then there is a loose slip which says:

Targets Democratic State Central Committee, statewide organization committee for national representation to Democratic National Convention.

These are abbreviations, but the abbreviations are obvious.

Then there is a statement that—

99 percent of the Negro regular voters are Democrats, so we can unite that bloc. A Negro vote is recognized as a bloc vote.

Then exhibit No. 29, again handwritten notes, speaks of a 3-months subsidy, and the quest of the Louisiana Communist Party for financial assistance for this period.

Then exhibit No. 30, there are references to first names or abbreviations to first names.

Mr. Chairman, shall I give the abbreviated first names, or keep those from the record?

Senator JENNER. They are code names?

Mr. MORRIS. They are code names, aren't they, Mr. Mandel; none of them are the persons' names?

Mr. MANDEL. Yes, sir. The references are to Irv. E. Wright, Arab, Gladys, Walt, Lee, Evans, Dan B., Chester, Judy, Abe, Brother Grady, Pop, Katie and Mon, Tootie and wife, Old man and wife, Seig and Mamie.

Then there are references here to tactics to be used among Catholics.

Then he has here a union card of working rules in the General Laborers Union, Local 689, with a signature of Hunter O'Dell at 2319 Louisiana Avenue.

Senator WATKINS. Is that a separate exhibit?

Mr. MANDEL. It is a separate exhibit, No. 32.

Then under 33, again handwritten notes, there is this comment in handwriting:

Why do we emphasize the importance of our Negro comrades being among the masses and in their organizations? Precisely because we are dealing with an oppressed nation (here in the South) and the Negro national movement must have Marxist leaders as a guaranty of success. This fact of life is being daily proven by the colonial liberation movements.

Then there is a list of newspapers; and again, we have code references, which might mean his contacts with those papers. We have "Irv.—Louisiana Weekly; Walt—Chicago Defender; Elaine—Pitts. Courier," probably Pittsburgh Courier. "Monica—Catholic Action of the South, 523 Natchez Street; Arabella—Courier; and Ju—Advocate and Ethyl News."

Chairman EASTLAND. You say those were contacts with those particular papers?

Mr. MANDEL. That is what they appear to be.

Chairman EASTLAND. All right.

Mr. MANDEL. Now, again from his handwritten notebook, we have the following statement:



Put the Negro church back firmly upon its historically revolutionary path. Witness the dozen Negro ministers representing the 7 million members of the Federal Council of Churches who placed a militant program before Eisenhower recently; the seven bishops of AME church who told the Government "Hands off Patterson,"—

Patterson being a Communist case before the courts—

and the convention of the AMEZ that voted unanimously to back Paul Robeson passport fight.

Mr. MORRIS. That is under exhibit 33, all of that, Mr. Mandel?

Mr. MANDEL. Yes.

Then under 36, there is a list of what looks like the type of party organizations locally. First there is 2 farm; 1 N. O., which might mean New Orleans; 1 Prof, which might mean professional; 1 Ser, which might mean service; 1 Negro workers; and 1 Baton Rouge.

Then a small notebook, exhibit 37, there is this statement:

What are the pivotal mass organizations of the Negro people.

And then they are listed: the NAACP, the churches, civic and voters' leagues, and then there are initials, "PDL" and "PVL," which must mean some local organizations that I am not acquainted with.

Mr. MORRIS. Mr. Mandel, did you overlook 35? Exhibit 35 I have here on the list, Mr. Mandel, showing the distribution of literature to Baton Rouge and Farm Political Affairs.

Mr. MANDEL. I have here a handwritten statement dated December 22, 1955, to Baton Rouge and Farm, and it lists "PA," which is an abbreviation in Communist circles for "Political Affairs," with dates, and the money paid for the literature, and certain other literature.

Chairman EASTLAND. That is for Baton Rouge?

Mr. MANDEL. Baton Rouge and Farm, is the heading.

Mr. MORRIS. That is exhibit 35.

Mr. MANDEL. Then there is a handwritten notice addressed to "My darling Blanche." I will not read the full note, but just read one excerpt:

We should see each other, same place, December 15. \* \* \* Keep this date silent! Please send me the NAA mailing list you have.

Now, finally, among the personal papers is a withholding statement and social-security statement made out to Ben Jones, which I have in my hand, address 3370 Louisiana Street, New Orleans, La. The number is 720-21-4460. And then there is another withholding statement to Ben Jones, and at the top it says "The Holsum Cafeteria, Inc., 718 Gravier Street, New Orleans, La." Both of them are—have that cafeteria address.

Mr. MORRIS. Mr. Chairman, that obviously, again, supports the committee evidence that Hunter Pitts O'Dell was operating under aliases.

Chairman EASTLAND. That will all be turned over to the Justice Department.

Mr. MANDEL. In the collection of documents was this undated issue of the Worker, 375 copies, which might indicate this was not received for his personal use but possibly for distribution.

I will just read the heading:

The Southern People's Common Program for Democracy, Progress, Peace. The Worker editors are proud to bring to our readers this common program made

public by the southern regional committee of the Communist Party of the United States as a document of first-rate news value and public interest.

Senator WATKINS. What is the date of that document?

Mr. MANDEL. It is not dated, but I believe it was held in the latter part of 1954.

Senator WATKINS. You mean the date of the conference?

Mr. MANDEL. Yes.

Senator WATKINS. And this is a report of the conference?

Mr. MANDEL. This is undated.

That is correct.

Then there is the draft program of the Communist Party, "The American way to jobs, peace, democracy." That is dated May 1954, and this is a copy which I hold in my hand, marked "Exhibit 31."

Now, again, I have a document here addressed "To all districts," dated November 4, 1955, and I would like to call the committee's attention to the recency of these documents. This again is a series of instructions on the circulation of the Daily Worker, and it is signed, "Comradely yours, National Org. Commission," standing for the National Organizational Commission of the Communist Party, and it is addressed "To all districts—Dear comrades."

Senator WATKINS. What about the date?

Mr. MANDEL. November 4, 1955.

Then there is again, addressed as follows: "Proposals on southern party organization for 1955 and 1956," covering such matters as registration, dues payment, mass education, plan for industrial concentration club, and so forth.

Mr. MORRIS. Party building and cadres are included in there; are they not, Mr. Mandel?

Mr. MANDEL. Yes, sir.

Now, in this document is this statement: "Join organizations that these workers are in, wherever possible—churches, Democratic Party, NAACP, etc. Readings for cadre self-study: History of CPSU"—Communist Party of the Soviet Union—"Stalin—Economic Problems, Malenkov's report to the 19th party congress, and Foster's History of Negro People."

Senator JENNER. What is the date of that, Mr. Mandel?

Mr. MANDEL. This is undated, but it says "Proposals on Southern Party Organization—1955-56." It does not have any further date.

Senator JENNER. Apparently that reference to Stalin is a little out of date.

Senator WATKINS. It may be an oversight, but I don't see any reference to the Republican Party, either.

Chairman EASTLAND. They have already got the Republicans. [Laughter.]

Mr. MANDEL. Exhibit 18 is notes on 1956. It is dated December 1, 1955, and it says:

These notes are intended to serve: (1) as a basis for further discussion in the districts; (2) as an aid to mobilizing now for the steps required to influence the course of the coming elections \* \* \* an ever sharper fight against the aggressively reactionary Dulles-Nixon-Brownell-Knowland forces who dominate the GOP and their Dixiecrat and other reactionary Democratic allies.

Senator WATKINS. It seems as though the Republican Party is getting attention now. [Laughter.]

Mr. MANDEL. This is entitled, exhibit 24 is entitled, "Additional Notes on Party Organization: Immediate Tasks, 1955," and this calls

for sale, distribution, and mailing of Communist literature "to Negro and white community leaders and trade-union leaders," to "sharecroppers, tenant farmers, and farmworkers."

Exhibit 125 is entitled "Memo on Negro History Week." It comes from the National Negro Commission, National Education Commission, December 1952. I will just read an excerpt from that document.

Stalin's thought illuminates problems of Negro freedom struggle—

and then it mentions certain articles in the Marxist press, the Worker, Political Affairs, Masses, and Mainstream.

\* \* \* we have a particular responsibility for dramatizing the important role of outstanding Communist leaders like Comrades Ben Davis, Claudia Jones, Henry Winston, and James E. Jackson, Jr.

Mr. MORRIS. Mr. Mandell, were you impressed by the number of foreign publications that were in the possession and in the room of Mr. Hunter Pitts O'Dell?

Mr. MANDEL. Mr. Morris, I was tremendously impressed with the reach and scope of the connections of this organizer in the city of New Orleans. I find that literature that was found in his apartment covers the following countries: Prague, Czechoslovakia, Great Britain, China, Belgium, India, the U. S. S. R., Hungary, Poland, and Rumania, nine countries in all, and we have the literature right here in these packages.

There were 12 volumes we have here that were published by the Foreign Languages Publishing House in Moscow; and if the chairman likes, I can read the titles, there are many titles, but I don't think it is necessary to read all of them. They could go into the record, if you desire.

Mr. MORRIS. You have there, do you not, Mr. Mandel, the Communist Party directives dated January 20, 1956, published in Bucharest, containing four pages of Directives of the 20th Congress of the Communist Party of the Soviet Union? That is exhibit 99.

Mr. MANDEL. Just one second.

Senator JENNER. Mr. Morris, that is the directives for this year?

Mr. MORRIS. That is dated January 20, Senator, 1956, and here apparently there were directives coming from the Soviet Union in Moscow down here in New Orleans.

Mr. MANDEL. Now, this is a paper entitled, "For a Lasting Peace, For a People's Democracy," Bucharest, Organ of the Information Bureau of the Communist and Workers' Parties, dated Friday, January 20, 1956, and beginning on pages 2, 3, 4, 5, and 6, it is headed "Directives of the 20th Congress of the CPSU," which stands for the Communist Party.

Mr. MORRIS. Of the Soviet Union.

Mr. MANDEL. All these pages are Communist Party directives.

Mr. MORRIS. Of the Communist Party, Soviet Union?

Mr. MANDEL. Yes, sir.

Senator JENNER. And it is dated 1956?

Mr. MANDEL. Yes, sir.

Chairman EASTLAND. Those are the directives that would apply in the Southern States; is that right?

Mr. MANDEL. Well, they are directives of the Communist Party of the Soviet Union, which will cover the whole international organization as well as the party in the Soviet Union.

Mr. MORRIS. Mr. Mandel, you have there publications On the Indian Trade Union Movement, published in Bombay?

Mr. MANDEL. Could I, Mr. Morris—would you mind if I follow this? It is easier to find.

Mr. MORRIS. Go ahead, Mr. Mandel.

Mr. MANDEL. Ninety-one—

Mr. MORRIS. I might point out, Mr. Chairman, that Mr. Mandel has a very difficult assignment there, assembling all those papers and having them ready to present.

Mr. MANDEL. I have here exhibit No. 91, which is entitled "Teachers of the World," and in this issue the International Teachers Meeting in Moscow—this is dated 13, October–December 1954, and, significantly enough, there is in this document, on page 5, the photographs of two Americans: Rose Russell, whom the committee has had in testimony in connection with our educational hearings; and William E. DuBois. They appear here in this publication.

We have here as exhibit No. 101, a pamphlet entitled, "Anarchism or Socialism," by J. Stalin, and this pamphlet contains some handwritten notes inserted, just a list of names. One of them is L-i-v-e-r-i-g. Now, you can interpret that as you see fit, L-i-v-e-r-i-g. And then is Sam and Prof, WWA, U&G, ASME, Leig, Williams (or son), and Herman.

I don't know what those stand for, but that is the way it reads.

Senator WATKINS. Is that a handwritten document?

Mr. Mandel, I say, is that a document in the handwriting of some individual?

Mr. MANDEL. Yes, sir.

Mr. MORRIS. Mr. Mandel testified it was a volume by J. Stalin, but it had handwritten notes on it, and the handwritten notes he was reading.

Senator WATKINS. I thought that was what he was reading, and I wanted to show it was notes.

Mr. MANDEL. Now, the next category that I have here are publications from Communist sources within the United States. I won't read all the titles. Suffice to say that a number of the documents are written by well-known Communist leaders, some of whom have been convicted under the Smith Act.

For instance, William Z. Foster, Louis Weinstock—

Senator WATKINS. Just before you read those names, do you have these exhibits marked with numbers, identified by numbers?

Mr. MANDEL. Yes, sir.

Senator WATKINS. Why not in each case give the numbers, so when we read the record we will know what you are talking about definitely.

Mr. MANDEL. Well, they are all itemized on this sheet, and if I read the numbers, I would have to read the titles, and there are many titles. Do you want all the titles read?

Senator WATKINS. There ought to be some means of identifying the documents you are talking about so that the people looking at the record or studying the record can go to the documents that you will mention at the time. Otherwise, it will be difficult to follow, if we do not do that.

Mr. MANDEL. Well, I can read all the titles, with the number.

Senator WATKINS. Let's have the titles.

Mr. MANDEL. No. 32, In Defense of the Communist Party and the Indicted Leaders, by William Z. Foster, New Century Publishers, July 1949, full text of a statement presenting the general line of the defense of the Communist Party and the 11 leaders on trial.

No. 33, How To Be a Good Communist, by Liu-Shao-Chi, vice chairman of the Central People's Government of the People's Republic of China, and a member of the Central Committee of the Communist Party of China, New Century Publishers, November 1952.

No. 34, Geneva, Road to Peace, by Joseph Clark, New Century Publishers, October 1955. Author is foreign editor of the Daily Worker, and for 3 years its Moscow correspondent.

No. 35, The Smith Act, A Threat to Labor, by Louis Weinstock, a Smith Act case.

No. 36, Not Guilty. The case of Claude Lightfoot.

The author, a national leader of the Communist Party, was indicted and convicted in a Federal trial for the "crime" of being a member of the Communist Party under the Fascist-like provisions of the Smith Act.

That is quoted from the pamphlet.

Chairman EASTLAND. Mr. Mandel, now, I don't want any names mentioned if the answer should be in the affirmative, because it would be a matter that would be subject to further investigation: Is there any evidence in those files that O'Dell was a ghost speech-writer for a local individual or for local individuals?

Mr. MANDEL. Mr. Chairman, I can only say that my impression of the material is that O'Dell was a well-educated man, very literate, and that is all that showed. I couldn't say about his writing speeches for anybody.

Shall I continue?

The next, 37, Stalin's Thought Illuminates Problems of Negro Freedom Struggle, by Charles P. Mann, for discussion in clubs and classes, issued by the National Education Department, Communist Party, United States of America, 268 Seventh Avenue, New York, January 1953.

The next is 38, Improve the Marxist-Leninist Content and Methods in Party Activity, "Excerpts from a Report to a Conference on Industrial Concentration of the Communist Party in Ohio, delivered on February 13, 1949."

The foregoing—

it says, and I quote—

The foregoing is a sketchy outline of the tasks of every section of the party which flow from our central task and objective.

The address is by Gus Hall, who is a Communist Party leader and a Smith Act case.

No. 39, Reports to the XIX Congress of the Communist Party of the Soviet Union, where Soviet leaders speak for communism and peace, published by the New Century Publishers, December 1952.

No. 40 is The Communist—

Mr. MORRIS. Senator Watkins, we have here a continuation of these, which will number about 30 or 40 more. I suggest that maybe they go in by numbers, Senator, and Mr. Mandel will read 3 or 4 of those to give a sampling of what they are. That is a suggestion in the interest of time, Senator.

Senator WATKINS. I think that is a very good suggestion. I think they ought to be identified, and if he reads the numbers, then if you wish to give a few examples, that will do the job.

Senator JENNER. Couldn't the master sheet go in our record?

Senator WATKINS. Yes; the sheet itself from which he is reading, I think could be made a part of the record. It will give all the details.

Mr. MORRIS. Will you do that, Mr. Mandel, and give us a few indications of what they would be an inkling about.

Mr. MANDEL. No. 40, "The Communist Position on the Negro Question," New Century Publishers, 1947, and I quote from the document:

This booklet contains excerpts from the major speeches in discussion of the Negro question at the plenary meeting of the national committee of the Communist Party, held in New York, December 3-5, 1946. In addition, it includes the Resolution on Negro Rights and Self-Determination adopted by the plenum, the remarks of William Z. Foster and Eugene Dennis, and the summary remarks of Benjamin J. Davis, Jr., who presented the major report on this vital question.

Senator WATKINS. What is the date, if any, on that?

Mr. MANDEL. December 3-5, 1946, is the date of that meeting, plenary meeting of the national committee of the Communist Party.

Now, again, I am just reading a sample. There is a leaflet, exhibit—

Mr. MORRIS. What number is this, Mr. Mandel?

Mr. MANDEL. Exhibit No. 49.

Mr. MORRIS. Will Nos. 41 up to 49 be admitted according to the description on this master sheet?

Senator WATKINS. They will be admitted as suggested.

Mr. MORRIS. As you suggested.

Mr. MANDEL. No. 49 is a leaflet entitled, "Land. Loans. World Peace-Trade," addressed to "Sharecroppers, Tenants, Farm Laborers, Small and Middle-Sized Farm Owners," and it is issued by the farmers committee, Louisiana district, Communist Party, United States.

Mr. MORRIS. What is the next number?

Mr. MANDEL. No. 59.

Senator WATKINS. Was there any date on that last one you just mentioned?

Mr. MANDEL. There is no date on the leaflet.

Mr. MORRIS. Mr. Chairman, may Nos. 50 to 58, inclusive, be admitted, with the description that appears on this master sheet?

Senator WATKINS. They will be put in the record.

Mr. MANDEL. No. 59 is entitled, "On Inner-Party Struggle," by Liu Shao-Chi, "Vice Chairman"—and this is taken from the pamphlet—he is described as "Vice Chairman of the Central People's Government of the People's Republic of China, is a leading member of the Central Committee of the Communist Party of China." This is published by New Century Publishers, June 1952.

Now, I am going to skip to No. 65.

Mr. MORRIS. May 60 to 64 go into the record, with the description that appears on this master sheet, Mr. Chairman?

Senator WATKINS. That will be the order.

Mr. MANDEL. This is entitled, "Resistance Against Fascist Enslavement in South Africa," published by New Century Publishers in 1953, and published by the Council on African Affairs, under union label 209, which is the Communist printshop in New York.

Senator WATKINS. What is the date on that?

Mr. MANDEL. The date on that is 1953.

Now I go to 72.

Mr. MORRIS. May 66 through 71 be admitted into evidence, with the description that appears on the master sheet?

Senator WATKINS. So ordered.

Mr. MANDEL. Now, 72 is a pamphlet entitled, "The Farm Crisis." And in the pamphlet it says, "this pamphlet was prepared by the National Farm Commission of the Communist Party," published by New Century Publishers, dated June 1955.

I now proceed to No. 75.

Mr. MORRIS. May 73 and 74 be admitted under that pattern?

Senator WATKINS. So ordered.

Mr. MANDEL. No. 75 is a book entitled, "The Negro Question in the United States," by James S. Allen. Now, James S. Allen appeared before the Senate Internal Security Subcommittee and invoked the fifth amendment regarding his Communist Party affiliations. This book is published by the International Publishers, dated 1936, and calls for, and I quote "the creation of the Negro Republic in the area approximating the present Black Belt." That is page 181.

If I may be permitted a comment, that is an invitation to civil war in the South.

Next is 115, entitled "A Manual on Self Study." The foreword declares, and I quote, "Events underline the correctness of Comrade Gus Hall's statement to the 15th national convention of our party." Further, "All signs point to rougher weather ahead for our people and our class." And the appendix mentions the following points for study: "Karl Marx's Study Methods, How Lenin Studied Marx, and How William Z. Foster Studies."

Item 11 is "Portlight," a mimeographed publication issued by the Waterfront Section of the Communist Party, U. S. A. It is not dated, and is addressed from 268 Seventh Avenue, New York City.

Senator WATKINS. Does that address have any significance?

Mr. MANDEL. Well, it says Communist Party, U. S. A., 268 Seventh Avenue. It gives the organization.

Now, next we have a number of publications from Communist front organizations. I suggest that I don't read them all, all the publications, but I can tell you the organizations that have material in this group.

Of them, five were cited by the Attorney General. For instance, the National Council of American Soviet Friendship, Labor Youth League, Jefferson School of Social Science, Civil Rights Congress. Soviet Russia Today was cited as subversive by the House Committee on Un-American Activities. They have literature represented here.

And the National Negro Labor Council was also cited by the Attorney General. That has literature here.

Then we have two organizations that were investigated by the Senate Internal Security Subcommittee, whose literature is represented. They are National Guardian and China Trade Facts.

Mr. MORRIS. Mr. Mandel, will you tell us what you mean when you say "cited by the Attorney General"?

Mr. MANDEL. The Attorney General has issued a consolidated list of organizations which he has deemed subversive, and in the litera-

ture found in the O'Dell file there were five of these listed organizations whose publications were found.

Senator WATKINS. And the act of the Attorney General is required by law, as I understand it——

Mr. MANDEL. Yes, sir.

Senator WATKINS (continuing). To make those citations.

Mr. MANDEL. Yes, sir.

Senator WATKINS. He finds facts——

Mr. MANDEL. I can read those, if you like.

Senator WATKINS (continuing). To justify them.

Mr. MANDEL. Yes, sir.

Mr. MORRIS. The committee has decided it will not be necessary, Mr. Mandel, to read them. Will you put them in according to the summaries that are made on the master sheet? Mr. Chairman, may they be so ordered?

Chairman EASTLAND. Yes, sir.

Mr. MANDEL. Now, further developing the scope of the activities of the owner of these documents, we have grouped certain publications dealing with unions and labor union activity. I will read a few specimens.

There was, for example, in his possession, a working agreement between Mobile Stevedoring Companies and International Longshoremen's Association, Local 1410, October 1, 1950, to September 30, 1951; and also, a deep-sea agreement between general longshore workers and steamship companies of the port of New Orleans, 1950-51.

This being an important seaport, I think that is importantly relevant.

Then we have exhibit—that was exhibit 152.

Exhibit 154 is a sample ballot from the United Packinghouse Workers of America, Local 1101.

Exhibit 156 is an agreement between the United Packinghouse Workers, Local 1476, and Southdown Sugars, Inc., August 1, 1955.

Then there is exhibit 159, proceedings of the Emergency National Council meeting of the National Maritime Union, August 23-24, 1954.

Exhibit 161 is a leaflet on the Godchaux strike, issued by local 1124 of the United Packinghouse Workers.

Exhibit 165 is contract negotiations of Local 1095, United Packinghouse Workers, dated January 10, 1956. Notice how recent that is.

Item or exhibit 170 is an agreement between the International Longshoremen and Warehousemen's Union and Armour Fertilizer Works at Shrewsbury, La., dated January 14, 1953.

Exhibit 173 is a paper called National Maritime Union Rank and File Pilot, dated November-December 1954, containing an item, Scuttle the New Coast Guard Tests, and October-November 1955, Screening Held Illegal—referring, obviously, to screening on the waterfront.

Now, that is a brief summary of the documents.

Mr. MORRIS. Mr. Chairman, may the other documents not read by Mr. Mandel, but numbered here on the master sheet, be introduced into our record, with the description given on that sheet; and, Mr. Chairman, may I say that they are offered simply as papers that were found in the apartment, the abandoned apartment, of Hunter Pitts O'Dell, and whatever evidentiary value they have, they speak for themselves.



Chairman EASTLAND. Yes, the evidentiary facts speak for themselves, and will be evaluated by the subcommittee.

Mr. MORRIS. Thank you, Mr. Mandel.

(The master sheet summary of papers found in the room of H. P. O'Dell was marked "Exhibit No. 215" and is as follows:)

#### EXHIBIT No. 215

##### PAPERS FOUND IN ROOM OF J. H. O'DELL

1. Application for registration, Crescent City Independent Voters League, showing handwriting.
2. Slips of memo pad showing the name of "most outstanding freshman" at Mississippi Southern College, Mother of wounded Korean soldier, Parents of servicemen.
3. List of weekly newspapers and broadcasting stations in Louisiana.
4. Principals in St. Landry Parish, La., schools.
5. List of Methodist ministers listed under "Methodist appointments in Louisiana (white)."
6. List of La. Libraries.
7. List of La. Daily Newspapers.
8. List of labor unions.
9. Financial Rep. No. of dues payments; cash on hand; expenses; income, Aug. 10.
10. Social security card, No. 434-52-1139, to John Vesey; No. 422-48-9391, to Ben Jones.
11. Proposals on Farm Work for Party Organization in South.
12. Undated report on party meeting showing business transacted. Estimated date prior to December 14, 1955.
13. For club organizers class.
14. Partial list of sponsors (Southern Conference Educational Fund).
15. Proposed agenda (CP).
16. Program for Southern Farmers.
17. Feb. 3, 1956 TO All Districts, signed Martha Stone a Smith Act case, re circulation of worker.
18. Unsigned and undated. Proposals regarding registration, cadres, club plans, press, education, mass education, literature, finances, leadership, club life. Join organizations.
19. Specimen of probably O'Dell handwriting, appearing to be notes on study course.
20. Handwritten notes re Montgomery bus strike. "Because they have pledged to supp our Prog. We want to elect the following candidates
21. Receipt from New Century Publishers, 9/7/55 for \$8.83, on back History of the Negro People, History of the Americas. Receipt made out to A. B.
22. List of Women's Organizations in Baton Rouge, La.
23. Handwritten. How to detect propaganda.
24. Handwritten. Appears to be agenda of meeting. Item "Under V role of CPUSA today \* \* \* Compare p. program with Dem. & Rep. in fight vs MC Fascism."
25. Handwritten notes from notebook: "obj. of sec today is to conceal from enemy *function* of p apparat. Previously we conceal individ. whereabouts *as well as* function of apparatus. Mass Education, mailing list 5-7,000, Doxey Pamphlet 90 (Every member & contact); Natl Farm Prog—200, Lightfoot 90; Scales 2,500.
26. Dues \$33.00; Sust. \$20.00; Fund \$20.00.
27. Handwritten notebook. Items; Facts for Farmers, 39 Cortlandt St., N. Y.; ag attaches shifted from Dulles to Benson overseas trade, p. 1; p. 3 night school classes in rural areas are forums—very important; loose slip; Targets Dem St Cent Comm. (Gov. Long)—Statewide Org Comm for N Rep to D/N Conv—Dovetails with fight & stimulates to increase registration July primaries. Coincides with general trend in Neg people movt to rep in Dem p policy making levels. 99 percent N reg V-Democ so we can unite that bloc. Negro vote is recognized as a bloc vote.
28. Looks like pencilled dues record from \$.15, \$.50, \$1.25, \$2.00, \$1.00 and \$.35 by months.
29. Handwritten notes—3 months subsidy; quest of La. CP—Finan. assist. for this period.

30. Code references to contacts: Irv. E. Wright, Arab, Gladys, Walt, Lee, Evans, Dan B., Chester, Judy, Abe, Brother Grady, Pop, Katie & Mon, Tootie & wife, Old man and wife, Seig and Mamie. See references to tactics among Catholics. See transcript.

31. Labor Unity by George Morris, New Century Publishers, June 1955.

32. Working Rules, General Laborers Union, Local 689, with signature of Hunter Odell, 2319 La. Ave.

33. "Why do we emphasize the importance of our Negro comrades being among the masses and in their org? Precisely because we are dealing with an oppressed Nation (here in the S) & the Negro-national movement must have Marxist leaders as a guarantee of success. This fact of life is being daily proven by the colonial lib. movements & a subject nation of U. S. Imperialism."

Newspapers: Irv.—La. Weekly; Walt—Chi Defender; Elaine—Pitts Courier; Monica—Cath. Action of the S, 523 Natchez St.; Arabella—Courier; Ju—Advocate & Ethyl News.

"Put the Negro Church back (?) firmly upon its historically revolu(tionary) path. Witness the dozen Negro ministers repres the 7 mill members of the Fed Council of Churches who placed a militant prog before Eisenhower recently; the seven bishops of AME church who told the govt "Hand off Patterson," and the convention of AMEZ that voted unanimously to back P(aul) R(obeson) passport fight."

34. Sample of Hunter Odell handwriting, Charity Hospital.

35. Showing distribution of literature to Baton Rouge and Farm PA (Political Affairs) plus pamphlets.

36. P(arty) Org. 2 Farm, 1 N. O., 1 Prof, 1 Ser, 1 Neg wor, 1 B(aton) R(ouge). Handwritten.

37. Small notebook, handwritten. What are the pivotal mass org of Negro people. (1) NAACP, Churches, Civ & V Leagues, PDL, PVL.

38. 2nd Annual Convention Delegate's Kit, National Negro Labor Council.

39. "My darling Blanche \* \* \* We should see each other, same place, Dec. 15th \* \* \* Keep this date silent! please send me the NAA mailing list you have \* \* \*." Handwritten.

40. Ben Jones, withholding statement, Holsum Cafeteria, earnings and reductions.

PAPERS FOUND IN THE ROOM OF H. O'DELL, ALSO KNOWN AS HUNTER PITTS O'DELL, AT 2319 LOUISIANA AVENUE, NEW ORLEANS, LA., ON MARCH 29, 1956

#### COMMUNIST PARTY, USA, DIRECTIVES

73. The Southern People's Common Program for Democracy, Progress, Peace reprinted from The Worker and made public by the Southern Regional Committee of the Communist Party of the United States. 375 copies on hand.

31. The American Way to Jobs, Peace, Democracy. Draft Program of the Communist Party, dated May 1954.

10. Addressed: To All Districts, dated November 4, 1955, from "Comradely yours, National Org. Commission." Beginning "Dear Comrades: The following is an abridged version of a report on the status of Marxist press circulation presented to the National Organization Commission \* \* \* part of the Party's responsibility, to supply a solid press corps, going beyond press directors, which will aid the Worker and D. W. in building circulation systematically all year round."

15. Proposals on Southern Party Organization—1955—1956, including: Registration, Dues must be paid monthly, Party Building, Cadres, Press, Mass Education, Education \* \* \* regular club political discussions, send teachers from national center, Literature, Finances, Club Plans, Plan for Industrial Concentration Club \* \* \* Join organizations that these workers are in, wherever possible—churches, Democratic Party, NAACP, etc. Readings for Cadre Self-Study: History of CPSU, Stalin—Economic Problems, Malenkov—Report to 19th Party Congress (CPSU), Foster—History of Negro People, etc.

18. Notes on 1956, dated Dec. 1, 1955. "These notes are intended to serve: (1) as a basis for further discussion in the districts; (2) as an aid to mobilizing now for the steps required to influence the course of the coming elections \* \* \* an ever sharper fight against the aggressively reactionary Dulles-Nixon-Brownell-Knowland forces who dominate the GOP and their Dixiecrat and other reactionary Democratic allies."

24. Additional notes on Party Organization: Immediate Tasks—1955, calling for sale, distribution, and mailing of Communist literature "to Negro and white

community leaders and TU leaders," to "sharecroppers, tenant farmers, and farm workers."

125. "Memo on Negro History Week" from National Negro Commission, National Education Commission, December 1952. Calls attention to publication "Stalin's Thought Illuminates Problems of Negro Freedom Struggle" and articles in "the Marxist press (The Worker, Political Affairs, Masses, and Mainstream) \* \* \* we have a particular responsibility for dramatizing the important role of outstanding Communist leaders like Comrades Ben Davis, Claudia Jones, Henry Winston, and James E. Jackson, Jr.

#### COMMUNIST PUBLICATIONS FROM FOREIGN COUNTRIES

79. Colonial Education, published by the International Union of Students, Prague, 1950, p. 33, speaks of "The great achievements of the students of the Soviet Union, the great advances made by the students of the People's Democracies and New China.\* \* \*"

80. "A Policy for Britain, General Election Programme of the Communist Party" published by the Communist Party, 16 King Street, London, February 1955.

81. "People's China," September 1, 1950, published in Peking.

82. "International Law and the Preparation for Atomic War," published by the International Association of Democratic Lawyers in Brussels.

85. "On the Indian Trade Union Movement" by S. A. Dange, Bombay India, "A Communist Party Publication" 1952.

88. "Peace Conference of the Asian and Pacific Regions Peking, October 2-12, 1952." Documents and Resolutions.

89. "Unity for a People's Culture," Dec. 1952, Jan. 1953, Dec. 1953, April 1954, Jan. 1954, organ of the Indian People's Theatre Association.

91. Teachers of the World, published for the World Federation of Teachers, London. In this issue (October-December 1954) The International Teachers Meeting in Moscow. Photo of Rose Russell and William E. DuBois, Americans, p. 5.

92. For European Security, Soviet Government's Note to France, Britain and the USA, Speech by V. M. Molotov published by Soviet News, London.

92a. Circular, News, 18b Gorky Street, Moscow, USSR.

93. New Hungary, Supplement, June-July 1954, The Third Congress of the Hungarian Working People's Party, with speech of K. E. Voroshilov, leader of the Delegation of the CPSU.

94. Soviet Literature, Nos. 10 and 11, 1953 and No. 9, 1954.

95. Decisions of the Central Committee, CPSU(B) on Literature and Art (1946-48, Foreign Languages Publishing House, Moscow, 1951.

96. New Times, published by Trud, Moscow, September 29, 1955; August 11, 1955; July 14, 1955; May 27, 1953.

\*99. For a Lasting Peace, For a People's Democracy, Organ of the Information Bureau of the Communist and Workers' Parties, January 20, 1956, published in Bucharest, containing four pages of "Directives of the Twentieth of the Congress of the CPSU."

98. World Trade Union Movement, Fortnightly Review, August 16-31, 1952, World Federation of Trade Unions, London.

100. Unity Everywhere, For Bread, Peace, Freedom, by Louis Saillant, General Secretary of the W. F. T. U. Report to Seventh Session of General Council of World Federation of Trade Unions, Warsaw, Dec. 1954.

105. Stalin and the Chinese Revolution by Chen Po-ta, in Celebration of Stalin's Seventieth Birthday, published by Foreign Languages Press, Peking 1953.

106. Catalogue of Soviet Books, published in the USSR in the English Language, "Sent to you from New York, order from Imported Publications & Products, Room 1525-27, 22 East 17th Street, New York 3, New York." & Circular.

113. Catalogue of Soviet Periodicals sold by same organization.

107. VOKS Bulletin, 1955, No. 5, Moscow USSR, published by the USSR Society for Cultural Relations with Foreign Countries.

108. Problems of Economics, 1952, No. 3, "Pravda" Publishing House, Moscow. Issued by the Academy of Sciences of USSR, Institute of Economics.

109. International Affairs, A Monthly Journal of Political Analysis, Nos. 1, 2, 5, 7, 1955, Znanye Publishing House, Moscow.

112. For a Better Life, Democracy, Peace. The Charter of Trade Union Rights, by G. Di Vittorio, President of the WFTU, Report to the Seventh Session of the General Council of the World Federation of Trade Unions, Dec. 1954 in Warsaw, published by W. F. T. U. Publications Limited, London.

114. Documents Concerning Right Deviation in Rumanian Workers Party, published by Rumanian Workers' Party Publishing House, 1952. "Workers of All Countries Unite!"

123. New Age, August 1953, No. 8, Political Monthly, Editor, Ajoy Ghosh, leading article, "On the Expulsion of Beria, resolution of the Central Committee, Communist Party of India, July 23-31, 1953. Bombay, India.

#### PUBLICATIONS OF THE FOREIGN LANGUAGES PUBLISHING HOUSE, MOSCOW

83. Karl Marx and Frederick Engels on Britain, 1953.

84. The Agrarian Question and the "Critics of Marx," 1954.

87. Against Vulgarizing the Slogan of Self-Criticism by J. Stalin.

97. What the "Friends of the People" Are by V. I. Lenin, 1946.

\*101. Anarchism or Socialism by J. Stalin, including handwritten notes, 1 Liverig, 1 Sam, 3 Prof, 3 WWA, 1, J&G, 2ASME, 1 Leig, 1S, 1 Wms (or son) 1 Herman.

102. A Great Beginning, V. I. Lenin, 1951.

103. To the Rural Poor, by V. I. Lenin, 1954.

104. The Role of Socialist Consciousness in the Development of Soviet Society, 1950.

110. Soviet Science and Technique in the Service of Building Communism in the USSR, 1954, by M. I. Rubenstein.

111. On Communist Education by M. I. Kalinin, 1949.

116. F. Engels, The Peasant Question in France and Germany, 1955.

124. Bourgeois Nations and Socialist Nations, by B. Kozlov, 1954.

#### PUBLICATIONS FROM COMMUNIST SOURCES IN THE USA

32. In Defense of the Communist Party and the Indicted Leaders by William Z. Foster, New Century Publishers, July 1949. Full text of a statement presenting the general line of the defense of the Communist Party and the 11 leaders now on trial.

33. How To Be a Good Communist, by Liu-Shao-Chi, vice chairman of the Central People's Government of the People's Republic of China and a member of the Central Committee of the Communist Party of China. New Century Publishers, November 1952.

34. Geneva, Road to Peace by Joseph Clark, New Century Publishers, October 1955. Author foreign editor of the Daily Worker and for three years its Moscow correspondent.

35. The Smith Act, A Threat to Labor, by Louis Weinstock, issued by the Trade Union Committee to Defend Louis Weinstock, a Smith Act Case.

36. "Not Guilty!" The Case of Claude Lightfoot, published by New Century Publishers, June 1955. "The author, a national leader of the Communist Party \* \* \* was indicted and convicted in a federal trial for the crime of being a member of the Communist Party under the fascist-like provisions of the Smith Act."

\*37. Stalin's Thought Illuminates Problems of Negro Freedom Struggle by Charles P. Mann, for discussion in Clubs and Classes issued by National Education Dept. Communist Party, U. S. A., 268 Seventh Ave., New York 1, N. Y., January 1953.

\*38. Improve the Marxist-Leninist Content and Methods in Party Activity, "Excerpts from a Report to a Conference on Industrial Concentration of the Communist Party in Ohio, delivered on February 13, 1949." "The foregoing is a sketchy outline of the tasks of every section of the Party which flow from our central task and objective." (p. 9) Author Gus Hall, a Communist Party leader and Smith Act case.

39. Reports to the XIX Congress of the Communist Party of the Soviet Union. Soviet Leaders Speak for Communism and Peace, New Century Publishers, Dec. 1952.

40. The Communist Position on the Negro Question, New Century Publishers, 1947. "This booklet contains excerpts from the major speeches in discussion of the Negro question at the plenary meeting of the National Committee of the Communist Party, held in New York, December 3-5, 1946. In addition, it includes the Resolution on Negro Rights and Self-Determination adopted by the Plenum, the remarks of William Z. Foster and Eugene Dennis, and the summary remarks of Benjamin J. Davis, Jr. who presented the major report on this vital question."

41. "We Stand for Peaceful Coexistence, interviews with N. S. Khrushchev, N. A. Bulganin, G. K. Zhukov, by William Randolph Hearst, Kingsbury Smith, Frank Conniff" published by New Century Publishers, 1955.

42. Elizabeth Gurley Flynn Speaks To the Court, Opening statement to the court and jury in the case of the sixteen Smith Act victims in the trial at Foley Square, New York, New Century Publishers, July 1952. p. 31. Advertisement: "History of the Communist Party of the United States, by William Z. Foster."

44. The 1952 Election Platform of the Communist Party, Issued by the National Election Campaign Committee of the Communist Party, 268 Seventh Avenue, New York 1, N. Y., Union Label 209.

45. New Century Publishers, Literature Bulletin, November-December 1955 "Hundreds of thousands of workers will note the occasion of the 75th anniversary of William Z. Foster, national chairman of the Communist Party, \* \* \* whose birthday falls in February, will be celebrated in meetings, parties, lectures, and forums from coast to coast. One of the central features of this coming celebration will be a focusing special attention on Foster's own works, with special concentration on his forthcoming book, History of the International Trade Union Movement."

46. "The Big Lie of War 'Prosperity'" by Bernard Burton, New Century Publishers, 1952.

47. Political Affairs, a Magazine Devoted to the Theory and Practice of Marxism Leninism, Feb., Sept. 1947; Aug., Sept., October, 1949; March, May, June, July, 1951; March, June, Aug. Nov. 1952; April, June, July, 1953; Sept., Oct., Nov., Dec., 1954; Jan., Feb., March, April, June, July, Aug., Sept., Oct., Dec. 1955.

Note that September 1954 deals with National Election Conference of the Communist Party; April 1953 deals with The Death of Joseph Stalin; March 1951 the 70th Birthday Issue of William Z. Foster; Sept. 1949, The 30th Anniversary of the Communist Party, USA.

48. Mimeographed, two sheets. Quotations on Dialectical Materialism.

49. Leaflet: "Land! Loans! World Peace-Trade! Sharecroppers, Tenants, Farm Laborers, Small and middle-sized Farmowners \* \* \* Issued by: Farmers Committee, Louisiana Dist., Communist Party, U. S."

50. "White Chauvinism and the Struggle for Peace" by Pettis Perry, "the author of this pamphlet, is one of the foremost leaders of the Communist Party \* \* \* He is presently under indictment and facing trial, together with 16 co-defendants, under the provisions of the infamous Smith Act." New Century Publishers, February 1952, Union label 209.

51. "The Till Case and the Negro Liberation Movement" by Edward E. Strong, New Century Publishers, Reprinted from Political Affairs, Dec. 1955.

52. "The Negro People in America" by Herbert Aptheker, introduction by Doxey A. Wilkerson, published by International Publishers, 1946.

53. Negro Slave Revolts in the United States, 1526-1860 by Herbert Aptheker, published by International Publishers, 1939.

54. "Historical Materialism" by Maurice Cornforth, published by International Publishers.

55. History of the Communist Party of the Soviet Union (Bolsheviks), published by International Publishers, 1939.

56. On People's Democratic Rule by Mao Tse-tung, "This pamphlet contains the full text of an article written by Mao Tse-tung, chairman of the Central Committee of the Communist Party of China, on the occasion of the celebration, in July 1949, of the 28th anniversary of the Chinese Communist Party." Published by the New Century Publishers.

57. "I Take My Stand for Peace" by W. E. B. DuBois. "More recently he has served as a Vice Chairman of the Council on African Affairs, and as leader of the American Labor Party ran for United States Senator in New York in 1950." Pamphlet published by Masses and Mainstream, June 1951.

58. The Party Voice, "A Bulletin issued by the N. Y. State Communist Party," Sept. 1953; No. 8, 1955, No. 9, 1955.

59. "On Inner-Party Struggle" by Liu Shao-Chi, "Vice Chairman of the Central People's Government of the People's Republic of China, is a leading member of the Central Committee of the Communist Party of China." Published by New Century Publishers, June 1952.

60. "America's Racist Laws, weapon of national oppression" by Herbert Aptheker, "instructor in history at the Jefferson School of Social Science in New York City." Published by Masses and Mainstream, January 1952, union label 209.

61. *Masses and Mainstream*, Sept. 1951, Dec. 1952, Feb. 1953, Oct. 1955, March 1955.

62. *The People versus Segregated Schools* by Doxey A. Wilkerson. "In 1948 he joined the staff of the Jefferson School of Social Science." Published by New Century Publishers, Feb. 1955, Union label 209.

63. "The Communist Party, Vanguard Fighter for Peace, Democracy, Security, Socialism" by Pettis Perry, "a national leader of the Communist Party." New Century Publisher, April 1953.

64. "23 Questions About the Communist Party" by William Z. Foster, New Century Publishers, January 1948.

65. "Resistance Against Fascist Enslavement in South Africa," published by New Century Publishers, 1953, published by the Council on African Affairs, union label 209.

66. *Defense Digest*, June 1955. Issued by the Lightfoot Defense Committee, dealing with the cases under the Smith Act of Claude Lightfoot and Junius Scales.

67. *On Historical Materialism* by Frederick Engels, International Publishers, 1940.

68. "On Contradiction" by Mao Tse-tung, International Publishers, 1953.

69. *Little Lenin Library*, Volume 20, "Left wing" Communism, An Infantile Disorder by V. I. Lenin, International Publishers, 1940.

70. *Little Lenin Library*, Volume 4, *What Is To Be Done*, by V. I. Lenin, International Publishers, 1929.

71. *Little Lenin Library*, Volume 1, *The Teachings of Karl Marx*, by V. I. Lenin, International Publishers, 1930.

72. *The Farm Crisis*, "This pamphlet was prepared by the National Farm Commission of the Communist Party." New Century Publishers, June 1955.

73. "Historic Moment for the South. May 17, 1954, was a most important date in the history of the South. On that date the United States Supreme Court handed down a decision which is destined to bring major changes in the way of life that has existed in the South for many years." "For more information about the program of the Communist Party write to the Southern Regional Committee of the Communist Party."

74. *What is Leninism*, International Publishers, 1936.

75. *The Negro Question in the United States*, James S. Allen, International Publishers, 1936, calls for "the creation of the Negro Republic in the area approximating the present Black Belt." (P. 181.)

76. *History of the Three Internationals* by William Z. Foster, International Publishers, 1955. "The World Socialist and Communist Movements from 1848 to the Present."

77. *Marxism and the National Question* by Joseph Stalin, *Selected Writings and Speeches*, International Publishers, 1942. Handwritten on flyleaf "Herbert Hernandez, Jefferson School of Science, December 15, 1949."

78. *Selected Works* by V. I. Lenin, Volume II, International Publishers, 1943.

86. *Motion for Stay of Mandate and Petition for Rehearing*, U. S. Court of Appeals, *Junius Irving Scales, Appellant v. United States of America*.

114. *New Data for V. I. Lenin's "Imperialism, The Highest Stage of Capitalism"*, Edited by E. Varga, L. Mendelsohn, New York, International Publishers.

115. *A Manual on Self Study*, Foreword "Events underline the correctness of Comrade Gus Hall's statement to the 15th National Convention of our Party \* \* \*

"All signs point to rougher weather ahead for our people and our class." Appendix: "Karl Marx's Study Methods, How Lenin Studied Marx, How William Z. Foster Studied."

11. *Portlight*, issued by Waterfront Section, CPUSA, 268, 7th Ave., New York City.

#### FRONT ORGANIZATIONS

129. *Resolution on the Railroad Industry* from the convention of the National Negro Labor Council.

130. *National Guardian*, May 9, 1955.

131. *China Trade Facts*, published by the Far East Reporter, Maud Russell, publishers.

132. *Ticket for Salute to Paul Robeson*, Wednesday, May 26, 1954, Renaissance Casino, 138th St. and 7th Ave., NYC, Auspices: Committee to Restore Paul Robeson's Passport.

133. *American Soviet Facts*, published by the National Council of American Soviet Friendship, Inc.

134. *Sears Roebuck resolution* by convention of National Negro Labor Council. Also resolution submitted by New York City Teachers Union, local 555.

135. Letter from Paul Robeson, November 19, 1952, soliciting \$5 subscriptions for advance sale of his records.

136. Southern Conference Educational Fund, Inc., on Southwestern Regional Conference on Integration to be held in Houston, Tex., May 17, estimated 1956.

137. For Those Things We Fight, text of address at Founding Convention of National Negro Labor Council, Cincinnati, Ohio, October 27, 1951 (pamphlet).

138. Now Is The Time by M. E. Travis (pamphlet) his address before convention of National Negro Labor Council, Note his conviction for false affidavit.

139. Freedom, May-June 1955, editorial board; Paul Robeson, chairman; Revels Cayton, Shirley Graham, Alphaeus Hunton, Modjeska M. Simkins, General manager, Thelma Dale; editor, Louis E. Burnham.

140. Pamphlet, The American People Want Peace, A Survey of Public Opinion, by Jessica Smith, S. R. T. Publications, Inc. 1955 (standing for Soviet Russia Today) Union label 209.

141. Statement of Principles, Constitution, Officers, National Negro Labor Council, Nov. 21, 22, 23, 1952, containing list of photographs and names.

142. Russia With Our Own Eyes, Report of the British Workers Delegation to the Soviet Union, 1950, published by SRT Publications, Inc., 114 E. 32d St. New York 16, N. Y. (Soviet Russia Today) 1951.

143. Resolution on Council Building and Membership presented at convention of the National Negro Labor Council.

144. The League Club, Key to the Fight for Peace, Report by Roosevelt Ward, Administrative Secretary, before the First Empire State Convention of the Labor Youth League, May 18-20, 1951. Get New York Times clipping on draft dodging.

145. Report of Coleman A. Young, Executive Secretary, National Negro Labor Council.

146. Youth Notes, Nov. 1955, Education Department, Labor Youth League, dealing with 15th National Conference of Methodist Youth, 8th United States National Student Association Congress, 2d United States Assembly of Youth, National Jewish Youth Conference.

147. Forces of Progress in the South by Jim Jackson, issued by the Jefferson School of Social Science, 1955. Read p. 9.

148. New Challenge, June, October, November 1955, dealing with Fifth World Festival of Youth and Students for Peace, July 31-August 14 in Warsaw, Poland. Photos.

149. The Southern Patriot, published by the Southern Conference Educational Fund, Inc., April 1955.

150. The "Crimes" of Claude Lightfoot and Junius Scales, published by the Civil Rights Congress. Junius Scales, Voice of the New South.

151. Resolution on Screening in the Maritime Industry presented before the convention of the National Negro Labor Council. Read paragraph, p. 2.

#### UNIONS

152. Working Agreement between Mobile Stevedoring Companies and International Longshoremen's Association, Local 1410, October 1, 1950, to September 30, 1951. 1950-51, Deep Sea Agreement between general Longshore workers and steamship companies of the port of New Orleans.

153. Armed Forces Talk, 209, on The United States Merchant Marine.

154. Sample Ballot, United Packinghouse Workers of America, Local 1101.

155. 1953 Review of the Louisiana State Federation of Labor.

156. Agreement between UPWA, Local 1476, and Southdown Sugars, Inc., August 1, 1955.

157. Resolutions and program of Louisiana State Federation of Labor Convention at Shreveport, La., April 9, 1953.

158. March of Labor, January 1955 and June 1955, cited by HUAC.

159. Proceedings of Emergency National Council Meeting, National Maritime Union, August 23-24, 1954.

160. Local 1101 News, December 19, 1955, and January 10, 1956.

161. Leaflet on Godchaux Strike, Local 1124, UPWA.

162. Leaflet issued by "A Group of ILA Members of Local No. 1419."

163. Leaflet "Don't Buy Godchaux Pure Scab Sugar." (United Packinghouse Workers of America.)

164. Leaflet "Convention Time!" on ILA convention signed: "A Group of ILA Members in the Gulf District."

165. Local 1095, UPWA, contract negotiations, January 10, 1956.

166. The Dispatcher, June 10, 1955, published by the International Longshoremen's and Warehousemen's Union. Item, Telford Taylor in Bridges Defense.

167. Pacific Coast Longshore Agreement, 1951-53, with ILWU, Bridges Union.  
 168. Leaflet of A group of ILA members of local 1419. For Clean and Honest Unionism in the ILA.  
 169. Trade Union Education Program, History of the American Labor Movement. Subjects covered: Active Committee for Repeal of Smith Act, contracts of Local 207, ILWU, Cotton Compress agreements, Rice mill agreements.  
 170. Agreement, ILWU and Armour Fertilizer Works, at Shrewsbury, La., January 14, 1953.  
 171. A Picture History of the National Maritime Union.  
 172. Leaflet, Southern Sugar's Strike Story, re strike of UPWA locals 1124 and 1167. Leaflet "Don't Buy Godchaux Scab-Made Sugar." Godchaux Strike Goes On.  
 173. NMU Rank and File Pilot, November-December 1954. Item, "Scuttle the New Coast Guard 'Tests'" October-November 1955, "Screening Held Illegal."  
 174. Packinghouse Worker, September, October 1955, Lyle Cooper, research director, phot.  
 175. The Score, District 6, United Packinghouse Workers of America, October 1955.

Mr. MORRIS. Will Grady Jenkins take the stand?

Will you stand and be sworn, Mr. Jenkins?

He was sworn for a limited purpose, I thought, Senator. That was not for his general appearance here before the committee.

Chairman EASTLAND. All right.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JENKINS. I do.

#### TESTIMONY OF GRADY JENKINS—Resumed

Mr. MORRIS. Mr. Jenkins, will you give your name and address to the reporter, please?

Mr. JENKINS. Grady Jenkins, 217½ Bourbon Street.

Mr. MORRIS. Mr. Jenkins, are you employed by the Western Auto Store at 3801 South Carrollton Street in New Orleans?

Mr. JENKINS. I am now unemployed.

Mr. MORRIS. I see. At the time of your being served with a subpoena by this subcommittee, were you so employed?

Mr. JENKINS. That is correct.

Mr. MORRIS. What job did you have there?

Mr. JENKINS. Salesman.

Mr. MORRIS. You were a salesman.

Where were you born, Mr. Jenkins?

Mr. JENKINS. Lee County, Miss.

Mr. MORRIS. Now, what work have you done here in New Orleans, Mr. Jenkins? What jobs have you held?

Mr. JENKINS. Well, various jobs. I believe I worked in a supermarket for a while.

Mr. MORRIS. You worked in a supermarket.

Mr. JENKINS. I think I worked in the offshore oil exploration for a while.

Mr. MORRIS. I did not understand that.

Mr. JENKINS. I worked for the Tidelands and Marine Service in the offshore islands.

Mr. MORRIS. Tidelands and Marine Service.

Mr. JENKINS. That is all I recall at the moment.

Mr. MORRIS. Have you worked for the barge lines?



Mr. JENKINS. You mean here in New Orleans? Is that what you are speaking of?

Mr. MORRIS. I mean, have you worked for the barge lines anywhere?

Mr. JENKINS. Can I consult with my attorney?

Mr. MORRIS. You may.

(The witness conferred with his counsel.)

Mr. JENKINS. Mr. Chairman, I would like to make an objection.

Mr. MORRIS. You mean you will tell us about your other assignments, but you will not tell us whether or not you worked for the barge lines?

Mr. JENKINS. I would like to make an objection at this point.

Chairman EASTLAND. I will recognize the objection—how long is that statement?

Mr. JENKINS. It is just two short pages. It will take about half a minute, three-quarters of a minute.

Chairman EASTLAND. All right.

Mr. JENKINS. I, Grady Jenkins, having been subpoenaed before the Internal Security Subcommittee of the Committee on the Judiciary by subpoena dated the 27th day of March 1956, returnable on April 3, 1956, hereby respectfully object to the power and jurisdiction of this committee to inquire into—

My political beliefs.

My personal and private affairs.

My associations or activities.

I am a private citizen, I hold no office of public honor or trust. I am not employed by any governmental department or agency.

The grounds of my objection are as follows:

Any investigations into my political beliefs, my associational activities, or into my personal and private affairs is beyond the power of this committee.

Chairman EASTLAND. That is overruled.

Mr. JENKINS. See *U. S. v. Rumely* (345 U. S. 41); *McGrain v. Daugherty* (273 U. S. 135); *Kilbourn v. Thompson* (103 U. S. 168); *Jones v. Securities and Exchange Commission* (298 U. S. 1). The Congress cannot by resolution increase their constitutional authority.

I claim the rights and privileges of the Constitution, particularly, but not limited to, the 1st, the 5th, the 6th, the 8th, 9th, and 10th amendments, and the articles relative to the separation of powers of the Government.

I claim that Congress has no power of investigation except for the purpose of legislation. I claim that no ex post facto laws can be passed regarding any prior utterance or act.

I object that this committee, through this investigation into my political, associational, religious, and private affairs, trespasses upon the judicial department, and has caused an upset in the balance of power which constitutes a threat to my liberty as an American citizen, and is an unconstitutional usurpation. See *Lichter v. U. S.* (334 U. S. 742); *Kilbourn v. Thompson* (103 U. S. 168); *Myers v. U. S.* (272 U. S. 52).

This committee, by compelling me to leave my ordinary pursuits and to attend before it for the purpose of testifying with regard to my political beliefs, my religious beliefs, other personal and private affairs, and my associational activities, is acting as a judicial indicting and

accusatory power. It is intruding into the judicial sphere and is following a practice which closely parallels the practices which resulted in bills of attainder being prohibited by our Constitution, article I. See *U. S. v. Lovett* (328 U. S. 303). The present practices of this committee fall within the condemnation and prohibitions of this article.

So, I wish to claim the benefits of the provisions contained in the Constitution and in the Bill of Rights, and challenge the pertinency of the questions to the investigation.

Upon all of the grounds aforesaid, I object not only to the jurisdiction of this committee, but also to the questions propounded by it.

This objection is made upon the advice of my counsel as to my rights.

Mr. MORRIS. Do you include among your objections the fact that you have an immunity under the fifth amendment against testifying?

Mr. JENKINS. I include the 1st, the 5th, the 6th, the 8th, 9th, and tenth amendments.

Chairman EASTLAND. That is the same old stuff. Now, everything but the fifth amendment is overruled.

Mr. JENKINS. Well, Senator, you can set up there and overrule until your sharecroppers are freed in Mississippi——

Chairman EASTLAND. I understand that, but you can serve——

Mr. JENKINS. But I stand on my constitutional ground.

Chairman EASTLAND. But you can serve your country by sitting there and telling the truth, and I think a loyal American would be very glad of the opportunity.

Mr. JENKINS. Well, you interpret it. I will read it back to you if you are not clear on it.

Chairman EASTLAND. Proceed, Mr. Morris.

I am very clear about you and what you are doing.

Mr. MORRIS. Mr. Jenkins, in 1952, were you ordered by your Communist Party superiors to go into the Communist underground?

Mr. JENKINS. I object on the grounds previously stated.

Mr. MORRIS. Did you at that time——

Senator JENNER. Wait just a minute. He objects, but does he refuse to answer the question?

Mr. JENKINS. Let's say I decline to answer the question. Does that suit you?

Senator JENNER. Let's get the record straight.

Mr. MORRIS. For the reasons stated?

Mr. JENKINS. For reasons previously stated.

Senator JENNER. Make a ruling on it.

Chairman EASTLAND. Of course, everything but the fifth amendment, if he relies on the fifth amendment, is overruled.

Mr. JENKINS. That is up to you, Senator.

Chairman EASTLAND. What?

Mr. JENKINS. That is up to you to overrule, but I still stand on my constitutional rights.

Mr. MORRIS. Did you change your name at that time, in December 1952?

Mr. JENKINS. I refuse to answer on the grounds previously stated.

Senator JENNER. Mr. Chairman.

You mean a truthful answer to that question might tend to incriminate you; is that why you refuse to answer?

Mr. JENKINS. Senator, you are not asking a question. You are putting words into my mouth.

Senator JENNER. It is not illegal to change your name, sir. You can go into any court of this land to have your name changed. Do you rely upon that answer that you have given because a truthful answer to that question might tend to incriminate you?

Mr. JENKINS. You are trying to put words in my mouth.

Senator JENNER. I am not trying to put any words in your mouth. I want a simple answer to a simple question.

Mr. JENKINS. I refuse to answer the question on the grounds previously stated.

Senator JENNER. Because your answer, a truthful answer, might tend to incriminate you under the fifth amendment?

Mr. JENKINS. Senator, I have answered your question.

Senator JENNER. Mr. Chairman, I suggest you order and direct the witness to answer the question.

Chairman EASTLAND. Yes, I order and direct him to answer the question.

Mr. JENKINS. What is the question?

Senator JENNER. Read it, Mr. Reporter.

(The question referred to was read by the reporter.)

Mr. JENKINS. Can I consult with my attorney?

Chairman EASTLAND. Of course you may.

(The witness conferred with his counsel.)

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Well, now, did you change your name to Louis Pratt in 1952?

Mr. JENKINS. May I consult with my attorney?

(The witness conferred with his counsel.)

Senator WATKINS. I would like to ask the witness, did you ask the attorney at that moment any question for him to tell you to give an answer to?

Mr. JENKINS. Well, I would like to ask the committee, is it—

Senator WATKINS. Just a moment. I am asking a question of this witness—

Mr. JENKINS. Do I have to reveal what I said to him, to you?

Senator WATKINS. You did not ask anything. I am not asking you to reveal it.

Mr. JENKINS. Yes, sir, I did.

Senator WATKINS. I couldn't see any motion of your lips or any indication that you were speaking to him.

Mr. JENKINS. I am sorry.

Senator WATKINS. But I saw him start speaking to you before you ever said a word.

Mr. JENKINS. In the future—

Senator WATKINS. You understand the circumstances under which counsel is permitted. He is not here for the purpose of giving you an answer before you ask for advice.

Mr. JENKINS. Yes, sir. Well, I asked for advice from the attorney.

Senator WATKINS. From here on, you will ask for advice.

Mr. JENKINS. Yes, sir.

Senator WATKINS. All right, sir.

Mr. JENKINS. I did ask previously, too.

Senator WATKINS. I couldn't see any motion, and I was watching you closely.

Mr. MORRIS. Mr. Chairman, in connection with this line of questions, I would like to point out that yesterday, witnesses testified here before the subcommittee that this man did maintain an identity of Louis and Arthur Pratt in Baton Rouge, La.

Now I would like to know, Mr. Jenkins, if you had a social security—what social security card did you work under in Baton Rouge?

Mr. JENKINS. May I consult with my attorney?

Chairman EASTLAND. Sure.

(The witness conferred with his counsel.)

Chairman EASTLAND. Let's have order.

Mr. JENKINS. I object to that question on the grounds previously stated.

Mr. MORRIS. You mean you refuse to answer on that basis?

Mr. JENKINS. Well, let's say I decline to answer.

Mr. MORRIS. Well, now, in December 1954, did you go to Mandeville, La.?

Mr. JENKINS. I decline to answer that question on the same grounds.

Mr. MORRIS. Did you work in Mandeville, La., for the Equitable Co.?

Mr. JENKINS. Can I consult with my attorney?

Watch my lips, Senator Watkins.

(The witness conferred with his counsel.)

Mr. JENKINS. I decline to answer on the grounds previously stated.

Chairman EASTLAND. Now, wait a minute. Did you live in Baton Rouge?

Mr. JENKINS. I decline to answer that question on the grounds previously stated.

Chairman EASTLAND. Did O'Dell contact you in Baton Rouge?

Mr. JENKINS. Who do you mean by "O'Dell"?

Senator JENNER. Maybe "Ben Jones" might clear it up.

Mr. JENKINS. Who do you mean by "Ben Jones"?

Mr. MORRIS. Do you know Hunter Pitts O'Dell?

Mr. JENKINS. What does he look like?

Mr. MORRIS. Do you know a man named Hunter Pitts O'Dell?

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Do you know a man named Ben Jones?

Mr. JENKINS. I decline to answer on the same grounds.

Mr. MORRIS. Do you know a man named John Vesey?

Mr. JENKINS. I decline to answer on the same grounds.

Senator JENNER. Just a moment. Do you know the gentleman sitting next to you?

Mr. JENKINS. Do I know the gentleman sitting next to me?

Senator JENNER. Yes, the man sitting next to you, do you know him?

Mr. JENKINS. Well, I think I mentioned his name in my—

Senator JENNER. I am asking you a question: Do you know him?

Mr. JENKINS. What's that got to do with this hearing?

Senator JENNER. I am asking you a question.

Mr. JENKINS. Yes; I know him.

Senator JENNER. All right.

Mr. MORRIS. Mr. Chairman, the reason I asked about the 3 names at that time is, our evidence indicates that Hunter Pitts O'Dell used 3 separate identities in operating in New Orleans and vicinity.

Now, what social security cards have you held since 1952?

Mr. JENKINS. I decline to answer that question on the grounds previously stated.

Chairman EASTLAND. Did you go around the Standard Oil Co.'s refinery in Baton Rouge?

Mr. JENKINS. What do you mean by that question, Senator?

Chairman EASTLAND. Answer my question.

Mr. JENKINS. Well, you say "around." What is "around"?

Chairman EASTLAND. Yes.

Mr. JENKINS. I might be around it now, I don't know.

Chairman EASTLAND. All right, answer the question. You know what it means.

Mr. JENKINS. May I consult with my attorney?

Chairman EASTLAND. Certainly.

(The witness conferred with his counsel.)

Mr. JENKINS. I decline to answer your questions on the grounds previously stated.

Mr. MORRIS. What social security cards have you held since 1952?

Mr. JENKINS. I thought you asked me that question already.

Mr. MORRIS. And have you declined to answer that?

Mr. JENKINS. I don't remember. Would you read the record back, to see if I answered it or not?

Chairman EASTLAND. He will ask you again. Now, answer it.

Mr. JENKINS. I decline to answer on the same grounds.

Mr. MORRIS. The subcommittee has been advised, Senator Eastland, that the witness here today has been the financial secretary and the person who collected dues from the professional group of the Communist Party in New Orleans.

Mr. Jenkins, have you been the financial secretary and the person collecting dues from the professional group of the Communist Party in New Orleans?

Mr. JENKINS. I decline to answer on the same grounds, the grounds previously stated.

Mr. MORRIS. Will you, Mr. Jenkins, tell us how the Communist underground functions in New Orleans?

Mr. JENKINS. You seem to know pretty well, yourself.

Chairman EASTLAND. Yes; I think we do, but we want you to tell it. Now, come on and answer the question.

Mr. MORRIS. I am sure you could tell us, Mr. Jenkins, more than you have now.

Mr. JENKINS. That is a matter of opinion, but I refuse to answer your question on the grounds previously stated.

Senator WATKINS. How did you know he seemed to understand it pretty well?

Mr. JENKINS. Well, I have been listening to the hearings 3 or 4 days pretty well.

Senator WATKINS. Have you heard any one of these witnesses, one of these witnesses called here to describe it, except these committee witnesses?

Mr. JENKINS. Describe what, sir?

Senator WATKINS. The operation, how the underground operates in New Orleans.

Mr. JENKINS. I decline to answer that question on the same grounds.

Senator WATKINS. I was wondering how you got the information. I did not think you heard it here in this hearing.

Mr. MORRIS. Now, Mr. Jenkins—

Senator WATKINS. You decline to answer that entire series I have asked you, you decline to answer them all?

Mr. JENKINS. Senator Watkins, that sounds like a filibuster instead of a question.

Senator WATKINS. Is that the best answer you can give?

Mr. JENKINS. If you would state the question clearly, specifically, then I will give you my answer.

Senator WATKINS. I think the questions reveal that they were clearly stated. Your answer is already a matter of record.

Mr. MORRIS. Mr. Jenkins, were you born on April 14, 1925?

Mr. JENKINS. April 14, 1925?

Mr. MORRIS. Were you born then?

Mr. JENKINS. Was I born then? No, sir.

Mr. MORRIS. Will you give the date of your birth to our committee?

Mr. JENKINS. April 14, 1924.

Mr. MORRIS. 1924, sorry.

Where were you born?

Mr. JENKINS. I think I stated that before; I answered the question you asked me before; Lee County, Miss.

Mr. MORRIS. Well, I didn't ask you that question this morning, did I?

Mr. JENKINS. If my memory serves me correctly, you did.

Mr. MORRIS. All right.

Now, did you spend some time in Memphis, Tenn.?

Mr. JENKINS. I refuse to answer that on the grounds previously stated.

Mr. MORRIS. Were you a secret member of the Communist Party while you were in Memphis, Tenn.?

Mr. JENKINS. I decline to answer on the same grounds.

Mr. MORRIS. Now, in 1952, did you arrive in New Orleans?

Mr. JENKINS. What was that date, again, sir?

Mr. MORRIS. 1952. In the year 1952, did you arrive in New Orleans?

Mr. JENKINS. I decline to answer on the same grounds.

Mr. MORRIS. Did you have a Communist Party assignment to organize tenant farmers in Tennessee, Louisiana, and Mississippi?

Mr. JENKINS. What time are you referring to?

Mr. MORRIS. In 1952, did you have a Communist Party assignment to organize tenant farmers in Tennessee, Louisiana, and Mississippi?

Mr. JENKINS. I decline to answer that question on the same grounds.

Mr. MORRIS. Have you been associated with the Southern Association of Sharecropper, Tenant and Farmer Laborers, at 2019 Loyola Avenue, New Orleans?

Mr. JENKINS. I refuse to answer that question on the same grounds, the grounds previously stated.

Mr. MORRIS. The same ruling, Mr. Chairman.

Were you expelled from the National Maritime Union on June 26, 1951?

Mr. JENKINS. I decline to answer that question on the grounds previously stated.

Mr. MORRIS. Now, were you active in the Communist Party, Texas, in the city of Houston, in the year 1948?

Mr. JENKINS. I decline to answer that question on the same grounds, the grounds previously stated in my objection.

Mr. MORRIS. On June 5, 1950, did you attend a conference of Communist Party leaders?

Mr. JENKINS. Where?

Mr. MORRIS. Any place. Where were you in June 1950?

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Were you in Texas in 1950?

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Do you know a leading Communist Party organizer named Al Lannon?

Mr. JENKINS. I refuse to answer on the same grounds.

Mr. MORRIS. You have at some time in the past been a seaman, have you not, Mr. Jenkins?

Mr. JENKINS. May I consult with my attorney?

Mr. MORRIS. You may.

Chairman EASTLAND. Sure.

(The witness conferred with his counsel.)

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Have you not taken at least 34 voyages as a seaman?

Mr. JENKINS. I decline on the grounds previously stated in my original objections.

Senator JENNER. Were you in the Armed Forces of this country, Mr. Jenkins?

Mr. JENKINS. May I consult with my attorney?

Senator JENNER. You may.

(The witness conferred with his counsel.)

Mr. JENKINS. No, sir; I was not.

Mr. MORRIS. Do you wish to refute the testimony of witnesses who appeared here yesterday, who testified that you worked in Baton Rouge under the name of Pratt?

Mr. JENKINS. Are you asking a question?

Mr. MORRIS. Yes.

Mr. JENKINS. I decline to answer on the grounds previously stated.

Mr. MORRIS. Mr. Chairman, I have no more questions of this witness.

Chairman EASTLAND. Well, I am going to direct the staff to look into his social security numbers and all his past employment. That will be so ordered.

Mr. MORRIS. I have no more questions, Mr. Chairman.

Senator WATKINS. I have no questions.

Senator JENNER. I have no questions.

Chairman EASTLAND. Stand aside.

Mr. JENKINS. Am I released from subpoena?

Chairman EASTLAND. Yes, sir; we will release you.

Mr. MORRIS. Calhoun Phifer.

Chairman EASTLAND. Hold your hand up.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Judiciary Committee of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PHIFER. I do, sir.

**TESTIMONY OF CALHOUN PHIFER, NEW ORLEANS, LA.,  
ACCOMPANIED BY PHILIP WITTENBERG, HIS COUNSEL**

Mr. MORRIS. Will you give your name and address to the reporter, Mr. Phifer?

Mr. PHIFER. Calhoun Phifer, 7314 Hurst Street.

I would like to know what I am guilty of.

Chairman EASTLAND. Nobody has accused you of being guilty of anything.

Mr. PHIFER. You made a statement in the papers here that charges brought against anyone in the public session, even if he denies it, people believe he is guilty.

Chairman EASTLAND. We know your type.

Let the attorney identify himself—

Mr. PHIFER. I don't care what you know.

Chairman EASTLAND (continuing). Identify himself for the record.

Mr. WITTENBERG. My name is Philip Wittenberg, of 70 West 40th Street, New York City. I am a member of the bar of the Supreme Court of the United States, of the circuit courts of the United States, and of the bar of the State of New York.

Chairman EASTLAND. Proceed, Mr. Morris.

Mr. MORRIS. My. Phifer, have you ever been known by any other name than Calhoun Williamson Phifer?

Mr. PHIFER. I decline to answer on the statement previously read, including everything in that statement, including all of the amendments to the Constitution that might apply, and to article 39 of the Magna Carta, if it does apply, sir.

Chairman EASTLAND. Does that include the fifth amendment?

Mr. PHIFER. I don't suppose you know what it is.

Chairman EASTLAND. I overrule your objection, and order and direct you to answer the question.

Mr. PHIFER. Sir, I have no respect for your opinion of the law, and you have no respect for the Supreme Court.

Chairman EASTLAND. And I have none for you.

Mr. PHIFER. That is for me to say.

Chairman EASTLAND. And none from you.

Mr. PHIFER. A person who has made the statement you made about the Supreme Court has no right to talk about it.

Chairman EASTLAND. Wait just a minute. We have seen Reds attempt to take over hearings.

Mr. PHIFER. You better watch what you are saying.

Chairman EASTLAND. Yes.

Mr. PHIFER. You better had; you can't be protected by that thing up there.

Chairman EASTLAND. I am not going to let you take over this hearing.

I overrule this objection, and order and direct you to answer the question.



Mr. PHIFER. It doesn't mean anything, sir. Your contempt for the Constitution is pretty well known, especially the 14th amendment.

Chairman EASTLAND. You are ordered and directed to answer the question.

Mr. PHIFER. I decline to answer, sir, on the same thing. If you want me to read the Magna Carta, I will, sir. Would you like for me to start there? That is 1215. I will start on down.

Chairman EASTLAND. I order you to answer under—

Mr. PHIFER. You deliberately are maligning me by bringing me before this committee, by your own words it is detrimental.

Mr. MORRIS. Mr. Chairman, may I at this point—

Chairman EASTLAND. Just a moment.

Mr. MORRIS. May I point out this witness has been called here today because we have received evidence that in 1954 he was a non-dues-paying member of the professional group of the Communist Party in New Orleans.

The committee subpoenaed him, asked him if he would give us, give this committee, evidence of the activity of the professional group of the Communist Party in New Orleans.

Now I would like to ask Mr. Phifer, in view of that, were you in 1954 a non-dues-paying member of the professional group of the Communist Party?

Mr. PHIFER. Sir, you can bring up all the questions you asked in closed session. I am not afraid of them. You can read the whole record.

Mr. MORRIS. What is your answer?

Mr. PHIFER. Everything I gave you the other day, sir. Read the entire record. If you are afraid of it, don't read it. Now, somebody has got to stand up to this thing.

Mr. MORRIS. I ask that the witness be directed to answer the question at this time.

Chairman EASTLAND. I order you to answer the question, under penalty of contempt of the United States Senate, sir.

Mr. PHIFER. Sir, I have stated all the grounds that can possibly be given. If you think you are going to frighten me by fifth amendment foolishness, I have rights under the fifth amendment, and I don't mind taking any rights I have, and you won't take them away from me.

Chairman EASTLAND. All right. Have you availed yourself of the fifth amendment?

Mr. PHIFER. Sir, I have availed myself of every amendment.

Chairman EASTLAND. Including the fifth amendment?

Mr. PHIFER. You won't bother me. I would rather take the fifth amendment than be a fifth-rate politician. I mean that.

Chairman EASTLAND. Including the fifth amendment?

Mr. PHIFER. You hound me about the fifth amendment. Just go ahead. I know who is American and who is not, and who preaches sedition. Don't hound me about that. Just go on with it.

Chairman EASTLAND. Do you avail yourself—

Mr. PHIFER. I don't have to plead the fifth amendment or the first amendment. I will do what I want to, if I have rights within the law. I don't preach against the law.

Chairman EASTLAND. All right.

Mr. PHIFER. All right.

Chairman EASTLAND. So you do not avail yourself of the fifth amendment. I order and direct you to answer the question.

Read him the question.

(The question referred to was read by the reporter.)

Mr. PHIFER. I take all the amendments that I have previously stated, and any others that I know of.

Mr. MORRIS. Does that include the fifth amendment?

Mr. PHIFER. It includes any amendment. Don't you know the Constitution?

Mr. MORRIS. Does it include the fifth amendment?

Mr. PHIFER. I don't care what it includes; you can't scare me by any foolishness.

Senator JENNER. You mean, Mr. Witness, you decline to answer the question?

Mr. PHIFER. Sir, don't give me a lecture on patriotism, like I saw you did yesterday. I don't need a lecture from you.

Senator JENNER. I am not giving you a lecture.

Mr. PHIFER. You sat up here and hounded somebody to death over Americanism. I am a better American than you ever will be as a person.

Senator JENNER. Please, sir—

Mr. PHIFER. Please, sir. Thank you.

Senator JENNER. I am asking you if you decline to answer the question—

Mr. PHIFER. I have made it very clear, sir.

Senator JENNER. Because of your privilege under the immunity of the fifth amendment.

Mr. PHIFER. Under all amendments, not just the fifth; under all of them.

If you had any respect for the Constitution, you would accept the first amendment; and if I had the money to fight you and had a Senatorial expense account, I would fight you just on the first.

Since I can't, I will have to take them all.

Senator JENNER. Will you answer the question?

Mr. PHIFER. I told you. I made it clear. If you want to, you can ask me how many times you want to. This can go on all morning. It is degrading you, not me. Go ahead. Keep it up as long as you want.

Mr. MORRIS. Well, the committee would like to know, Mr. Phifer, if you have been a non-dues-paying member of the professional group of the Communist Party in New Orleans in the year 1954.

Mr. PHIFER. Sir, I don't want to get monotonous by saying the same thing. I am not going to reduce my rights simply to the fifth amendment. They are all amendments, including the fifth—

Mr. MORRIS. All right.

Mr. PHIFER. If you are low enough to keep hounding somebody about the fifth. It was good enough for Jefferson, and good enough for me, and good enough for you if you are a good American. I doubt that you are.

Mr. MORRIS. Senator, I think the witness has answered the question. He is invoking all other amendments, including the fifth amendment, and I suggest we accept that answer.

Mr. PHIFER. Just watch what you say in the papers. You can say something up there—

Mr. MORRIS. Have you attended meetings of the Young Communist League in 1952?

Mr. PHIFER. The same thing, sir.

Mr. MORRIS. The same answer?

Mr. PHIFER. All of them. Don't give me that fifth amendment foolishness, either. I mean all of them, from 1215 on. It was good enough for King John, and it is good enough for you.

Senator JENNER. Do you think the fifth amendment is foolish? Are you using that as a defense?

Mr. PHIFER. You had people pleading the fifth amendment, on the fifth amendment, yesterday. I am not going to carry on any foolish discussion like that. You were asking questions about fifth amendment, on the fifth amendment. I never heard such foolishness in my life.

You have no right to hound them on the fifth amendment, ad infinitum. Ridiculous.

Senator JENNER. You can be hysterical as long as you want.

Mr. PHIFER. You can hound me as long—

Senator JENNER. You have an attorney there to advise you.

Mr. WITTENBERG. I am not allowed to advise him unless you permit him, after a question, and he is in no condition to ask for advice.

Mr. PHIFER. I don't need to ask for advice.

Senator JENNER. And you may sit there and be hysterical, but you are going to answer the question.

Mr. PHIFER. I am not going to answer this question or any other question I have a right not to answer.

Senator JENNER. May I ask a question?

Mr. PHIFER. You can hound me all you want. I don't care.

Senator JENNER. I am going to ask you if you are now—

Mr. PHIFER. Or ever have been—

Senator JENNER. Or ever have been a member of the Communist Party.

Mr. PHIFER. It is the same. You can make it as vile as you want. Go ahead, sir, ask me anything.

Senator JENNER. Are you now a member of the Communist Party?

Mr. PHIFER. It is the same thing.

Senator JENNER. What do you mean, "it is the same thing"? I want an answer.

Mr. PHIFER. Don't you know your rights, or do you? It starts with 1215, the English barons at Runnymede. It came on down through a number of cases at common law, later on.

Senator JENNER. Are you a professor of history, or what are you trying to give me, a lecture?

Mr. PHIFER. I want to know what you are. You seem to know nothing about your rights. I am just telling you. Don't give me this American rights. You are hauling—

Senator JENNER. Are you now a member of the Communist Party?

Mr. PHIFER. That is—listen—

Senator JENNER. Can you hear me?

Mr. PHIFER. You wouldn't dare get away with it, if you didn't have the protection, of hounding somebody like that, and it's time you stopped it.

Senator JENNER. I don't have any protection.

Mr. PHIFER. I don't know you don't, but—

Senator JENNER. Are you now a member of the Communist Party?

Mr. PHIFER. Say it over again. It is the same thing.

Senator JENNER. Are you?

Mr. PHIFER. All the rights I have. I think this is something, I tell you.

Senator JENNER. I didn't get the answer.

Mr. PHIFER. You won't get it, either, sir.

Senator JENNER. You mean you refuse to answer?

Mr. PHIFER. I refuse to answer on these grounds, Mr. Chairman. You can ask me the same thing. I am not going to sit up here and saying "fifth amendment." You won't reduce me to an absurdity like that. Not that anybody really did.

Mr. MORRIS. "On these grounds." You mean the fifth amendment?

Mr. PHIFER. I mean all grounds, not just the fifth amendment. You just stop saying that. I interpret what I mean; you interpret what you mean.

Are you going to take all my free speech away from me, or just part of it? Now——

Senator JENNER. You seem to have plenty.

Mr. PHIFER. I think you are doing a pretty good job of it. You hound people until they are scared to call their name their own, and yet you get up and preach all the sedition you want. You know you do.

Chairman EASTLAND. We know all these facts from fifth amendment Communists. We have had them all over the country.

Mr. PHIFER. I said I would rather be maligned by you than be a fifth-rate politician.

Chairman EASTLAND. Yes; I know you have.

Mr. PHIFER. All right, I certainly would.

Mr. MORRIS. Mr. Phifer, did you get your A. B. degree from Tulane in 1954?

Mr. PHIFER. That is the same thing, all of them, not just the fifth amendment. If you like the fifth amendment, if you like incrimination, if you like making incriminating charges, you may discuss the fifth amendment with yourself, but I am not going to fool with it——

Mr. MORRIS. Well, did you?

Mr. PHIFER. Any more than to say along with the others.

Mr. MORRIS. Mr. Phifer, did you do recruiting on the campus at Tulane University for the Communist Party?

Mr. PHIFER. The same thing.

Mr. MORRIS. The same ruling, Mr. Chairman.

Did you work at the Bethlehem Steel plant in Sparrows Point between May of 1952 and July of 1953?

Mr. PHIFER. You asked me that question in closed session. I told you you could bring all those questions out if you want to. If you are afraid of them, don't ask me.

Mrs. MORRIS. Do you refuse to answer?

Mr. PHIFER. Bring the whole record out and read it. I am not ashamed of it. You are the one that's got the shame, not me.

Mr. MORRIS. Do you refuse to answer it?

Mr. PHIFER. I could sit up here for a couple of days and watch this thing. It's something.

Mr. MORRIS. Do you own a farm in Greensburg, La.?

Mr. PHIFER. You asked me all those questions. Read the record. Why should I——

Mr. MORRIS. You own a 44½-acre farm in Greensburg, La.?

Mr. PHIFER. That is right, I will refuse to answer. I answered before.

Mr. MORRIS. You refuse to answer for the reasons stated?

Mr. PHIFER. Yes, sir, I refuse to answer.

Mr. MORRIS. For the reasons stated?

Mr. PHIFER. Yes, sir, for all of them.

Mr. MORRIS. Will you give me a ruling on that, Mr. Chairman?

Chairman EASTLAND. Yes. I order him to answer the question.

Mr. MORRIS. Mr. Chairman, we could read his executive session testimony in the record.

Chairman EASTLAND. I wish you would.

Mr. PHIFER. I wish you would.

Mr. MORRIS. This is:

Testimony of Clahoun Phifer, 7314 Hurst Street, New Orleans, La., accompanied by: Philip Wittenberg, his counsel.

Senator WATKINS presiding.

Senator WATKINS. For the record, you now may state your name again.

Mr. PHIFER. Calhoun Phifer.

Senator WATKINS. What is your address?

Mr. PHIFER. 7314 Hurst Street, New Orleans.

Senator WATKINS. And what is your occupation?

Mr. PHIFER. Well, I work for Republic Carloading & Distributing Co.

Mr. MORRIS. That is 501 Claiborne, here in New Orleans?

Mr. PHIFER. Yes.

Mr. MORRIS. How do you spell your name?

Mr. PHIFER. P-h-i-f-e-r.

Senator WATKINS. And further, will counsel, who has appeared for other witnesses in this matter, again state his name for the record?

Mr. WITTENBERG. Philip Wittenberg, 70 West 40th Street.

Senator WATKINS. And you are appearing as counsel for this witness?

Mr. WITTENBERG. For Mr. Phifer; and the qualifications as a member of the bar, the same as I previously stated.

May I ask, Senator—this is executive session?

Mr. MORRIS. How long have you lived in New Orleans, Mr. Phifer?

Mr. PHIFER. Well, off and on for around, over 10 years, nearly 12, 13 years.

Mr. MORRIS. Did you work at the Bethlehem Steel Co., Sparrows Point, May of 1952 to July of 1953?

Mr. PHIFER. To the best of my knowledge, I can't say.

Mr. MORRIS. What jobs have you had here in New Orleans?

Mr. PHIFER. Well, only this one, unless there was some minor job I don't remember. You mean during the whole period?

Mr. MORRIS. Yes. You have been here 10 years.

Mr. PHIFER. I don't suppose, I know of any other ones that I worked any length of time; maybe odd jobs.

Mr. MORRIS. How have you supported yourself?

Mr. PHIFER. I was a seaman.

Mr. MORRIS. You mean you did work as a seaman, then, in New Orleans?

Mr. PHIFER. Well, out of New Orleans.

Mr. MORRIS. Well, now, how did you get your job at the Republic Carloading Co.?

Mr. PHIFER. Just went down and asked for it.

Mr. MORRIS. Did Richard Feise help you get your job?

Mr. PHIFER. He didn't help me at all, no.

Mr. MORRIS. He did not?

Mr. PHIFER. I just went down and asked for it, and I means, I got it on my own.

Mr. MORRIS. Yes, but did Richard Feise help you in any way in getting the job?

Mr. PHIFER. Well, there may be a matter of acquaintance there with a fellow who worked there, I can't ——

Mr. MORRIS. Did Feise work there?

Mr. PHIFER. No, no, he did not work there. I knew this fellow in business, and he told me about the job. He didn't help me get it.

Mr. MORRIS. Who told you about the job?

Mr. PHIFER. Mr. Feise. I knew him. He had the Port Travel Agency.

Mr. MORRIS. Yes, but he told you the job was open?

Mr. PHIFER. He told me there was a job, but did not help me.

Senator WATKINS. At least, that much was some sort of a help.

Mr. PHIFER. No. Why would it be? He didn't say anything at all.

Senator WATKINS. If you didn't know anything at all about the job, it would be good information to find out there was a job open down there; that would be some help, would it not?

Mr. PHIFER. Not any more than there was the job open.

Senator WATKINS. It would be one interpretation, it would appear to me, knowing there was a job so that you can work on it.

Mr. PHIFER. It might appear to you, but that is not so. Implications are sometimes unfair.

Senator WATKINS. It would appear to me you would not even want to argue that point.

Mr. Chairman, suppose I just select the questions from this which I think would be appropriate for the record.

Mr. PHIFER. You might read the juiciest ones, if you like. I don't mind it. Let's see what kind of questions you ask people.

Mr. MORRIS. Mr. Chairman, I can offer the whole executive session for the record, but may I, just for the purpose of this examination, read certain questions.

Chairman EASTLAND. Yes. Go ahead.

Mr. MORRIS. This is page 472. (Reading:)

Mr. MORRIS. You enrolled at Tulane University, did you not?

Mr. PHIFER. Yes, I did.

Mr. MORRIS. What year?

Mr. PHIFER. Well, I will tell you to the best of my knowledge, is all I can do. Anything that does not concern my opinions, I will be glad to tell you, to the best of my knowledge.

From 1942 until 1945, I believe. Wait a minute. 1941 to 1942. Then around 1946 probably to 1949.

Mr. MORRIS. You went back again?

Mr. PHIFER. Then I went back the year before last.

Mr. MORRIS. Did you get your degree?

Mr. PHIFER. Yes, sir.

Mr. MORRIS. When did you get your degree; the year before last?

Mr. PHIFER. Yes.

Mr. MORRIS. What degree was it?

Mr. PHIFER. That is the best I can do, do you see?

Mr. MORRIS. What degree?

Mr. PHIFER. I got a degree in philosophy.

Mr. MORRIS. I mean, was it A. B., B. A.?

Mr. PHIFER. Worth a B. A.

Now, the question was:

Mr. MORRIS. While you were at Tulane, did you engage in recruiting for the Communist Party?

Mr. PHIFER. Sir, I would have to answer that on the same grounds, because it is of the same nature as the previous question.

Senator WATKINS. The previous question, you answered.

Mr. PHIFER. I mean the previous question that I refused to answer.

Senator WATKINS. Will you state your grounds?

Mr. PHIFER. Well, let's see. I refuse to answer because of the first amendment, that it is prying into my right of association and opinions, and freedom of speech; and also because it could have no other purpose than to tend to incriminate me, that I could see, sir.

Senator WATKINS. Do you believe that if you gave a truthful answer to that question, that it might incriminate you or tend to incriminate you?

Mr. PHIFER. Well, it might. That is the thing.

Senator WATKINS. All right.

We were asking Mr. Phifer about a farm he owns, and he says it is in a place called Greensburg. This is page 476, Senator.

Mr. PHIFER. That has a great bearing on internal security, I am sure.

Mr. MORRIS. (Reading):

Mr. PHIFER. I do own some property near Greensburg, but I never have lived there.

Mr. MORRIS. You own it now?

Mr. PHIFER. Yes, sir.

Mr. MORRIS. How many acres do you own there?

Mr. PHIFER. Forty-four and a half.

Now the question:

Mr. MORRIS. Were you in 1954 a non-dues-paying member of the professional group of the Communist Party in New Orleans? Answer that question.

Mr. PHIFER. I refuse to answer, because it is prying into my private opinions and associations, sir.

Senator WATKINS. Did he ask you anything about your opinions?

Mr. PHIFER. Well, that would certainly—

Senator WATKINS. Is there anything involved in that which would involve your opinions?

Mr. PHIFER. Yes, sir. I would have to have certain opinions if I did that, I would think, in association, too.

Senator WATKINS. We didn't ask you to give opinions.

Mr. PHIFER. Whether you did or not, you are still prying into my personal affairs, protected by the first amendment. And also, by the very fact of subjecting me to this questioning.

Senator WATKINS. Do you sincerely believe if you answered that question, it might incriminate you or tend to incriminate you, you might be giving evidence against yourself?

Answer the question, please.

Mr. PHIFER. The very fact of denying or affirming the question is bound to incriminate me under the present circumstances in this country.

Senator WATKINS. Do you claim the protection of the fifth amendment, is what I want to know?

Mr. PHIFER. Yes, sir, and I insist on explaining why, sir, because I have a right to say why.

Senator WATKINS. I think I would also like to say that I observed:

All right. You have a right to say.

He was not denied any opportunity to explain himself.

Mr. MORRIS. Page 479, Senator:

Mr. MORRIS. In 1953, did you picket the White House in behalf of the Rosenbergs?

It is the same answer, isn't it?

Mr. PHIFER. I refuse to answer on the same grounds.

Now, Mr. Phifer, did you lend Mr. Richard Feise \$2,500?

Mr. PHIFER. Oh, are you asking me now?

Mr. MORRIS. Yes; I am asking you that now.

Mr. PHIFER. Well, sir, I refuse to answer on the same grounds, and I would like to explain here that I am—it is pretty obvious, from bringing it up time and time again, that you must be trying to incriminate me in some way. I don't see how, and I would like to ask that all these things, this fifth amendment, be read into the record, if I may.

Chairman EASTLAND. We will take that under advisement.

Proceed, Mr. Morris.

Mr. PHIFER. I just think it would only be fair. I don't know what you are going to do.

Chairman EASTLAND. Just wait. We are only asking you questions.

Mr. MORRIS. Do you decline to answer the questions put to you——

Mr. PHIFER. On all the grounds.

Chairman EASTLAND. He said it might tend to incriminate him.

Mr. PHIFER. No, sir; that is not what I said. You stop cutting down the Constitution.

Chairman EASTLAND. I am stating what you said, just stating your words.

Mr. PHIFER. I am giving you my word now, you want to cut everything back to the fifth amendment and go back to slavery times.

Mr. MORRIS. Have you been refused port security clearance?

Mr. PHIFER. I refuse to answer on the same grounds.

Mr. MORRIS. Have you been associated with Sam Hall, Jr., the former district Communist Party organizer of the Communist Party in New Orleans?

Mr. PHIFER. I refuse to answer on all grounds, not just the fifth amendment.

I would point out that the fifth amendment is the one that does protect you against the one against eminent domain. I don't see why it would be so communistic. I think it is silly, sir, to be maligned like that.

Mr. MORRIS. Have you been closely associated with Irving Goff, who was the successor of Sam Hall, Jr., who was the district organizer of the Communist Party in New Orleans, and the predecessor of the person whom we have as the present organizer, Hunter Pitts O'Dell?

Mr. PHIFER. Am I—it is a very involved question.

Mr. MORRIS. Are you associated with O'Dell?

Mr. PHIFER. I refuse to answer.

Mr. MORRIS. Mr. Chairman, in view of the responses of this witness, I have no more questions.

Senator JENNER. I have no questions.

Senator WATKINS. I have no questions.

Chairman EASTLAND. Counsel——

Mr. MORRIS. Counselor Kleinfeldt.

Chairman EASTLAND. Mr. Wittenberg, would you wait a few minutes?

Mr. WITTENBERG. Here, or just in the courtroom?

Chairman EASTLAND. Hold your hand up.

Do your solemnly swear the testimony you are about to give the Senate Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KLEINFELDT. I do, sir.

## TESTIMONY OF ABRAHAM I. KLEINFELDT, NEW ORLEANS, LA.

Chairman EASTLAND. Mr. Kleinfeldt, you requested the right to make a statement. We took that statement in executive session. You asked that you be permitted to make it in open session.

Now I am giving you that privilege.

Mr. KLEINFELDT. Thank you for that privilege, Senator.

Yesterday I represented one witness before this committee. At the close of the session, as I was leaving the courtroom, an elderly lady jabbed her elbow into my ribs just as hard as she could.



Incidentally, I see that lady in court now.

And she gave me the dirtiest look you ever saw, and made a disparaging remark that I don't wish to repeat.

Mr. Chairman, I wish to say that I have been practicing law in this community for over a quarter of a century, that I have an excellent professional reputation among the members of the bar and the judiciary. And in order that it remain so, I desire to state and declare absolutely, categorically, and without mental reservation of any kind, that I am not now, nor have I ever in my life been, a Communist; that I am not now, nor have I ever been, a member of or belonged to the Communist Party or any communistic organization or any other subversive organization; that I am a firm believer in the principles of the Constitution of the United States, and do not adhere to and do not believe in the doctrines of the Communist Party.

I stated, Mr. Chairman, that I was retained in the capacity of a lawyer to furnish my clients with legal advice, and that I intended to do so to the best of my ability. And in connection with that statement, I asked your permission to quote about 20 words—

Chairman EASTLAND. Yes, sir; that will be granted.

Mr. KLEINFELDT (continuing). From the Canons of Ethics of the American Bar Association. I am now quoting from the third paragraph of canon No. 5 of the Canons of Ethics, of Professional Ethics, of the American Bar Association. I am quoting:

The lawyer owes entire devotion to the interest of his client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability, to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty.

I said, Mr. Chairman, that I had a job to do, that my duty was clear, and that I did not intend to shirk them.

Thank you, sir.

Chairman EASTLAND. Now, Mr. Kleinfeldt, of course, everybody is entitled to an attorney and legal advice. We have no information that you have ever been a member of any subversive organization.

I say this now: That if, after practicing law 25 years, yesterday was the first time that anyone ever called you a dirty name, you are very lucky.

Mr. KLEINFELDT. Thank you, sir.

Chairman EASTLAND. Now, there were two more attorneys, Mr. Wittenberg and Mr. Smith. We don't want to be partial, but we will give these gentlemen, if they desire, the opportunity to make a statement, just along the same lines. It is up to them.

Mr. SMITH. Mr. Chairman, I will be glad to make one.

Chairman EASTLAND. Hold your hand up, please.

Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do, sir.

### TESTIMONY OF BENJAMIN E. SMITH, NEW ORLEANS, LA.

Mr. SMITH. Mr. Chairman, I might say that I subscribe wholly to the views expressed by Mr. Kleinfeldt; that I felt that he expressed the highest principles that a member of the bar can have; that my

appearance before this committee, representing Mrs. Feise, was completely in a professional capacity; that she came to me to employ me as her lawyer, and that I was to give her the advice that would protect her if she felt that she needed protection, and that that was entirely and wholly the reason for my appearance before this committee.

But I did want to appear simply to say that I endorse the statements of Mr. Kleinfeldt, and have felt that they were appropriate.

Chairman EASTLAND. Yes.

You are not now, and you never have been, a member of the Communist Party, U. S. A.?

Mr. SMITH. That is absolutely correct, sir. I am not now a Communist, I have never been one, and I do not believe in communism.

Chairman EASTLAND. Yes, sir.

Anything else you would like to say?

Mr. SMITH. No, sir. That is all I have to say.

Chairman EASTLAND. I offer Mr. Wittenberg the opportunity—

Mr. WITTENBERG. I have no objection—

Chairman EASTLAND. I may say, it is just—

Mr. WITTENBERG. I think it is the most ridiculous procedure I ever heard of, a lawyer being called upon to explain his being a lawyer.

Chairman EASTLAND. No, sir, you are not—

Mr. WITTENBERG. I wish to, sir, I wish to—

Chairman EASTLAND. Now, listen. Counsel requested, Mr. Kleinfeldt requested the right. It was simply a matter of what the other attorneys desired to do. It is a privilege, if you want to avail yourself of it.

Mr. WITTENBERG. Sir, I do not regard it as a privilege. I have nothing to explain and nothing to apologize for, in 40 years at the bar. I lecture at two reputable law schools. I don't wish to bring their names in. I am a trustee of numerous organizations, including educational organizations.

Chairman EASTLAND. Wait just a minute.

Mr. WITTENBERG. I will not explain and I will not apologize to you gentlemen. If you want to ask me, was I ever a Communist, the answer is: I never was and never will be. I abhor autocracy more than you do. I wouldn't be a Communist.

And I, sir—I must say that my respect for the Supreme Court is such, sir, that I advised my clients to rely on their opinions.

I am sorry, sir, that I must disagree with your personal views, which you have a right to express. Perhaps, sir, you may someday wish to apologize and explain for your remarks about the Supreme Court of the United States. I have nothing to explain and nothing to apologize for.

Chairman EASTLAND. My views are my own, and I care nothing about you or what you said.

Mr. WITTENBERG. I realize that, sir.

Chairman EASTLAND. We were attempting to be courteous to you. I see you are the kind of man that does not appreciate courtesy.

Mr. WITTENBERG. Sir, the bar of the State [applause]—the bar of the State of New York would disagree with you.

Chairman EASTLAND. Yes.

Mr. WITTENBERG. Perhaps in Mississippi they may appreciate you, but I wish you were kept there instead of being a national figure.

Chairman EASTLAND. But, if your kind are American, God help the future of this country.

Mr. WITTENBERG. Yes, sir, and, why, sir, may I say, sir——

Chairman EASTLAND. Sit down.

Mr. WITTENBERG (continuing). If you had a decent bar association, they would disbar you.

Senator JENNER. Take him out.

(Mr. Wittenberg was removed from the courtroom.)

Chairman EASTLAND. What I am going to say is made on behalf of the subcommittee. It is my personal view, and it is the views of the other members:

Our evidence here in New Orleans indicates very clearly that Communist leaders in Moscow, Peiping, and Bombay, and other foreign cities, through the instrumentality of their writings and party directives transmitted under Soviet discipline, are reaching down into this part of the United States for agents willing to do their mischievous work.

We have come into possession of Communist Party literature which enjoin American Communists to pursue specific assignments that are calculated to spread Soviet power here and abroad.

Our sessions indicate that hidden from the public eye, and known only, we presume, to the Federal Bureau of Investigation, there has been in New Orleans an active Communist underground movement, small but coordinated, that has sought to infiltrate labor unions, the churches, farmer organizations, parent-teachers associations, the channels of public opinion, and other streams of influence in our society.

Our sessions here to date reveal the conspiratorial nature of the Communist organization, the resort to aliases, the use of code names, evasion of legal process, the fabrication of birth records, of social security records, and other practices, that are designed to conceal from legal authorities and from the American people the purposes of the Communists.

The subcommittee wishes to thank Mayor Morrison, the deputy police chief, W. Guy Banister, and his assistant, Sergeant Hubert Badeaux, Marshal Edward Petitbon and his assistants, in particular Mr. Todd and Mr. Grace, and the United States attorney, George Blue, for their assistance; and all the newspapers and television people who have brought these hearings to the people of New Orleans and in this area.

I would say further that these gentlemen have been very helpful to the subcommittee. We sincerely thank them for the invaluable aid they have given.

The police department here, the mayor, Mr. Banister, have been very helpful in setting up the hearing and making preparations for this investigation.

I think that their efforts have been very valuable, and have been exceptional, in making it possible to expedite the hearings. They have spared no effort in working with us to gather evidence, develop facts, and assist in the location of witnesses.

These hearings have been informative. The Congress of the United States now has additional evidence of the workings of the Soviet conspiracy in the United States.

There will be no further testimony. We will adjourn.

Senator WATKINS. May I make one statement?

Chairman EASTLAND. Yes, sir; Senator Watkins.

Senator WATKINS. I would like to add that I feel these hearings were fully justified. I know of no reason why they shouldn't have been held, and I think they have thrown light upon a situation that all citizens of the United States should take into consideration.

The evidence here, of course, I have listened to for the last 2 days in public session and 1 day in executive session. I had not been briefed on the testimony in advance. And after hearing this evidence, I am satisfied that our internal security laws are necessary, and they may possibly need to be strengthened if the arguments and the objections which have been raised here by the witnesses and their lawyers are finally upheld by the courts.

These laws and the activities of the Internal Security Subcommittee, which was set up and organized under the Internal Security Act passed by the Congress, are for the protection of the American people, and if these laws are not sufficient to withstand the attacks that have been made on them here, Congress should take them all into consideration.

We are all here to find out how these laws are actually working in the field, and I think a hearing of this kind is fully justified.

Senator JENNER. I have no further statements, Mr. Chairman.

Chairman EASTLAND. We will now adjourn.

(Whereupon, at 12:25 p. m., the subcommittee adjourned.)

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